

1 **TITLE XI—CIVILIAN PERSONNEL**
2 **MATTERS**

- Sec. 1101. Extension of authority to waive annual limitation on total compensation paid to Federal civilian employees working overseas under areas of United States Central Command.
- Sec. 1102. Continuation of life insurance coverage for Federal employees called to active duty.
- Sec. 1103. Transportation of dependents, household effects, and personal property to former home following death of Federal employee where death resulted from disease or injury incurred in the Central Command area of responsibility.
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- Sec. 1115. Retirement service credit for service as cadet or midshipman at a military service academy.
- Sec. 1116. Authorization for increased compensation for faculty and staff of the Uniformed Services University of the Health Sciences.
- Sec. 1117. Report on establishment of a scholarship program for civilian mental health professionals.

1 **SEC. 1101. EXTENSION OF AUTHORITY TO WAIVE ANNUAL**
2 **LIMITATION ON TOTAL COMPENSATION PAID**
3 **TO FEDERAL CIVILIAN EMPLOYEES WORKING**
4 **OVERSEAS UNDER AREAS OF UNITED STATES**
5 **CENTRAL COMMAND.**

6 Section 1105 of the National Defense Authorization
7 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
8 3450), as amended by section 1105 of the John Warner
9 National Defense Authorization Act for Fiscal Year 2007
10 (Public Law 109–364; 120 Stat. 2409), is amended—

11 (1) in subsection (a)—

12 (A) by striking “and 2007” and inserting
13 “2007, and 2008”; and

14 (B) by striking “Code).” and inserting
15 “Code) or, during 2008, a military operation
16 (including a contingency operation, as so de-
17 fined) or an operation in response to an emer-
18 gency declared by the President.”; and

19 (2) in subsection (b), by striking “2007.” and
20 inserting “2007 or 2008.”.

21 **SEC. 1102. CONTINUATION OF LIFE INSURANCE COVERAGE**
22 **FOR FEDERAL EMPLOYEES CALLED TO AC-**
23 **TIVE DUTY.**

24 Section 8706 of title 5, United States Code, is
25 amended—

1 (1) by redesignating subsections (d) through (g)
2 as subsections (e) through (h), respectively; and

3 (2) by inserting after subsection (c) the fol-
4 lowing:

5 “(d)(1) An employee who enters on approved leave
6 without pay in the circumstances described in paragraph
7 (2) may elect to have such employee’s life insurance con-
8 tinue (beyond the end of the 12 months of coverage pro-
9 vided for under subsection (a)) for an additional 12
10 months and arrange to pay currently into the Employees’
11 Life Insurance Fund, through such employee’s employing
12 agency, both employee and agency contributions, from the
13 beginning of that additional 12 months of coverage. The
14 employing agency shall forward the premium payments to
15 the Fund. If the employee does not so elect, such employ-
16 ee’s insurance will continue during nonpay status and stop
17 as provided by subsection (a). An individual making an
18 election under this subsection may cancel that election at
19 any time, in which case such employee’s insurance will
20 stop as provided by subsection (a) or upon receipt of notice
21 of cancellation, whichever is later.

22 “(2) This subsection applies in the case of any em-
23 ployee who—

24 “(A) is a member of a reserve component of the
25 armed forces called or ordered to active duty under

1 a call or order that does not specify a period of 30
2 days or less; and

3 “(B) enters on approved leave without pay to
4 perform active duty pursuant to such call or order.”.

5 **SEC. 1103. TRANSPORTATION OF DEPENDENTS, HOUSE-**
6 **HOLD EFFECTS, AND PERSONAL PROPERTY**
7 **TO FORMER HOME FOLLOWING DEATH OF**
8 **FEDERAL EMPLOYEE WHERE DEATH RE-**
9 **SULTED FROM DISEASE OR INJURY IN-**
10 **CURRED IN THE CENTRAL COMMAND AREA**
11 **OF RESPONSIBILITY.**

12 (a) IN GENERAL.—Paragraph (2) of section 5742(b)
13 of title 5, United States Code, is amended to read as fol-
14 lows:

15 “(2) the expense of transporting his depend-
16 ents, including expenses of packing, crating, draying,
17 and transporting household effects and other per-
18 sonal property to his former home or such other
19 place as is determined by the head of the agency
20 concerned, if—

21 “(A) the employee died while performing
22 official duties outside the continental United
23 States or in transit thereto or therefrom; or

1 “(B) in the case of an employee who was
2 a party to a mandatory mobility agreement that
3 was in effect when the employee died—

4 “(i) the employee died in the cir-
5 cumstances described in subparagraph (A);
6 or

7 “(ii)(I) the employee died as a result
8 of disease or injury incurred while per-
9 forming official duties—

10 “(aa) in an overseas location
11 that, at the time such employee was
12 performing such official duties, was
13 within the area of responsibility of the
14 Commander of the United States Cen-
15 tral Command; and

16 “(bb) in direct support of or di-
17 rectly related to a military operation,
18 including a contingency operation (as
19 defined in section 101(13) of title 10)
20 or an operation in response to an
21 emergency declared by the President;
22 and

23 “(II) the employee’s dependents were
24 residing either outside the continental
25 United States or within the continental

1 United States when the employee died;
2 and”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall apply with respect to deaths occurring
5 on or after the date of the enactment of this Act.

6 **SEC. 1104. SPECIAL BENEFITS FOR CIVILIAN EMPLOYEES**
7 **ASSIGNED ON DEPLOYMENT TEMPORARY**
8 **CHANGE OF STATION.**

9 (a) AUTHORITY.—Subchapter II of chapter 57 of title
10 5, United States Code, is amended by inserting after sec-
11 tion 5737 the following:

12 **“§ 5737a. Employees temporarily deployed in contin-**
13 **gency operations**

14 “(a) DEFINITIONS.—For purposes of this section—

15 “(1) the term ‘covered employee’ means an indi-
16 vidual who—

17 “(A) is an employee of an Executive agen-
18 cy or a military department, excluding a Gov-
19 ernment controlled corporation; and

20 “(B) is assigned on a temporary change of
21 station in support of a contingency operation;

22 “(2) the term ‘temporary change of station’, as
23 used with respect to an employee, means an assign-
24 ment—

1 “(A) from the employee’s official duty sta-
2 tion to a temporary duty station; and

3 “(B) for which such employee is eligible for
4 expenses under section 5737; and

5 “(3) the term ‘contingency operation’ has the
6 meaning given such term by section 1482a(c) of title
7 10.

8 “(b) **QUARTERS AND RATIONS.**—The head of an
9 agency may provide quarters and rations, without charge,
10 to any covered employee of such agency during the period
11 of such employee’s temporary assignment (as described in
12 subsection (a)(1)(B)).

13 “(c) **STORAGE OF MOTOR VEHICLE.**—The head of an
14 agency may provide for the storage, without charge, or
15 for the reimbursement of the cost of storage, of a motor
16 vehicle that is owned or leased by a covered employee of
17 such agency (or by a dependent of such an employee) and
18 that is for the personal use of the covered employee. This
19 subsection shall apply—

20 “(1) with respect to storage during the period
21 of the employee’s temporary assignment (as de-
22 scribed in subsection (a)(1)(B)); and

23 “(2) in the case of a covered employee, with re-
24 spect to not more than one motor vehicle as of any
25 given time.

1 “(d) RELATIONSHIP TO OTHER BENEFITS.—Any
2 benefits under this section shall be in addition to (and not
3 in lieu of) any other benefits for which the covered em-
4 ployee is otherwise eligible.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for chapter 57 of such title is amended by inserting after
7 the item relating to section 5737 the following:

“5737a. Employees temporarily deployed in contingency operations.”.

8 **SEC. 1105. DEATH GRATUITY AUTHORIZED FOR FEDERAL**
9 **EMPLOYEES.**

10 (a) DEATH GRATUITY AUTHORIZED.—Chapter 81 of
11 title 5, United States Code, is amended by inserting after
12 section 8102 the following:

13 **“§ 8102a. Death gratuity for injuries incurred in con-**
14 **nection with employee’s service with an**
15 **Armed Force**

16 “(a) DEATH GRATUITY AUTHORIZED.—The United
17 States shall pay a death gratuity of up to \$100,000 to
18 or for the survivor prescribed by subsection (d) imme-
19 diately upon receiving official notification of the death of
20 an employee who dies of injuries incurred in connection
21 with the employee’s service with an Armed Force in a con-
22 tingency operation.

23 “(b) RETROACTIVE PAYMENT IN CERTAIN CASES.—
24 At the discretion of the Secretary concerned, subsection
25 (a) may apply in the case of an employee who died, on

1 or after October 7, 2001, and before the date of enactment
2 of this section, as a result of injuries incurred in connec-
3 tion with the employee's service with an Armed Force in
4 the theater of operations of Operation Enduring Freedom
5 or Operation Iraqi Freedom.

6 “(c) RELATIONSHIP TO OTHER BENEFITS.—The
7 death gratuity payable under this section shall be reduced
8 by the amount of any death gratuity provided under sec-
9 tion 413 of the Foreign Service Act of 1980, section 1603
10 of the Emergency Supplemental Appropriations Act for
11 Defense, the Global War on Terror, and Hurricane Recov-
12 ery, 2006, or any other law of the United States based
13 on the same death.

14 “(d) ELIGIBLE SURVIVORS.—

15 “(1) Subject to paragraph (5), a death gratuity
16 payable upon the death of a person covered by sub-
17 section (a) shall be paid to or for the living survivor
18 highest on the following list:

19 “(A) The employee's surviving spouse.

20 “(B) The employee's children, as pre-
21 scribed by paragraph (2), in equal shares.

22 “(C) If designated by the employee, any
23 one or more of the following persons:

1 “(i) The employee’s parents or per-
2 sons in loco parentis, as prescribed by
3 paragraph (3).

4 “(ii) The employee’s brothers.

5 “(iii) The employee’s sisters.

6 “(D) The employee’s parents or persons in
7 loco parentis, as prescribed by paragraph (3),
8 in equal shares.

9 “(E) The employee’s brothers and sisters
10 in equal shares.

11 Subparagraphs (C) and (E) of this paragraph in-
12 clude brothers and sisters of the half blood and
13 those through adoption.

14 “(2) Paragraph (1)(B) applies, without regard
15 to age or marital status, to—

16 “(A) legitimate children;

17 “(B) adopted children;

18 “(C) stepchildren who were a part of the
19 decedent’s household at the time of death;

20 “(D) illegitimate children of a female dece-
21 dent; and

22 “(E) illegitimate children of a male dece-
23 dent—

24 “(i) who have been acknowledged in
25 writing signed by the decedent;

1 “(ii) who have been judicially deter-
2 mined, before the decedent’s death, to be
3 his children;

4 “(iii) who have been otherwise proved,
5 by evidence satisfactory to the employing
6 agency, to be children of the decedent; or

7 “(iv) to whose support the decedent
8 had been judicially ordered to contribute.

9 “(3) Subparagraphs (C) and (D) of paragraph
10 (1), so far as they apply to parents and persons in
11 loco parentis, include fathers and mothers through
12 adoption, and persons who stood in loco parentis to
13 the decedent for a period of not less than one year
14 at any time before the decedent became an em-
15 ployee. However, only one father and one mother, or
16 their counterparts in loco parentis, may be recog-
17 nized in any case, and preference shall be given to
18 those who exercised a parental relationship on the
19 date, or most nearly before the date, on which the
20 decedent became an employee.

21 “(4) Beginning on the date of the enactment of
22 this paragraph, a person covered by this section may
23 designate another person to receive not more than
24 50 percent of the amount payable under this section.

25 The designation shall indicate the percentage of the

1 amount, to be specified only in 10 percent incre-
2 ments up to the maximum of 50 percent, that the
3 designated person may receive. The balance of the
4 amount of the death gratuity shall be paid to or for
5 the living survivors of the person concerned in ac-
6 cordance with subparagraphs (A) through (E) of
7 paragraph (1).

8 “(5) If a person entitled to all or a portion of
9 a death gratuity under paragraph (1) or (4) dies be-
10 fore the person receives the death gratuity, it shall
11 be paid to the living survivor next in the order pre-
12 scribed by paragraph (1).

13 “(e) DEFINITIONS.—(1) The term ‘contingency oper-
14 ation’ has the meaning given to that term in section
15 1482a(c) of title 10, United States Code.

16 “(2) The term ‘employee’ has the meaning provided
17 in section 8101 of this title, but also includes a non-
18 appropriated fund instrumentality employee, as defined in
19 section 1587(a)(1) of title 10.”

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 81 of such title is amended
22 by inserting after the item relating to section 8102 the
23 following:

“8102a. Death gratuity for injuries incurred in connection with employee’s serv-
ice with an Armed Force.”

1 **SEC. 1106. MODIFICATIONS TO THE NATIONAL SECURITY**
2 **PERSONNEL SYSTEM.**

3 (a) IN GENERAL.—Section 9902 of title 5, United
4 States Code, is amended to read as follows:

5 **“§ 9902. Establishment of human resources manage-**
6 **ment system**

7 “(a) IN GENERAL.—The Secretary may, in regula-
8 tions prescribed jointly with the Director, establish, and
9 from time to time adjust, a human resources management
10 system for some or all of the organizational or functional
11 units of the Department of Defense. The human resources
12 management system established under authority of this
13 section shall be referred to as the ‘National Security Per-
14 sonnel System’.

15 “(b) SYSTEM REQUIREMENTS.—Any system estab-
16 lished under subsection (a) shall—

17 “(1) be flexible;

18 “(2) be contemporary;

19 “(3) not waive, modify, or otherwise affect—

20 “(A) the public employment principles of
21 merit and fitness set forth in section 2301, in-
22 cluding the principles of hiring based on merit,
23 fair treatment without regard to political affili-
24 ation or other nonmerit considerations, equal
25 pay for equal work, and protection of employees
26 against reprisal for whistleblowing;

1 “(B) any provision of section 2302, relat-
2 ing to prohibited personnel practices;

3 “(C)(i) any provision of law referred to in
4 section 2302(b)(1), (8), and (9); or

5 “(ii) any provision of law implementing
6 any provision of law referred to in section
7 2302(b)(1), (8), and (9) by—

8 “(I) providing for equal employment
9 opportunity through affirmative action; or

10 “(II) providing any right or remedy
11 available to any employee or applicant for
12 employment in the public service;

13 “(D) any other provision of this part (as
14 described in subsection (d)); or

15 “(E) any rule or regulation prescribed
16 under any provision of law referred to in this
17 paragraph;

18 “(4) not apply to any prevailing rate employees,
19 as defined in section 5342(a)(2);

20 “(5) ensure that employees may organize, bar-
21 gain collectively, and participate through labor orga-
22 nizations of their own choosing in decisions which
23 affect them, subject to any exclusion from coverage
24 or limitation on negotiability established pursuant to
25 law;

1 “(6) not be limited by any specific law or au-
2 thority under this title, or by any rule or regulation
3 prescribed under this title, that is waived in regula-
4 tions prescribed under this chapter, subject to para-
5 graph (3); and

6 “(7) include a performance management system
7 that incorporates the following elements:

8 “(A) Adherence to merit principles set
9 forth in section 2301.

10 “(B) A fair, credible, and transparent em-
11 ployee performance appraisal system.

12 “(C) A link between the performance man-
13 agement system and the agency’s strategic
14 plan.

15 “(D) A means for ensuring employee in-
16 volvement in the design and implementation of
17 the system.

18 “(E) Adequate training and retraining for
19 supervisors, managers, and employees in the
20 implementation and operation of the perform-
21 ance management system.

22 “(F) A process for ensuring ongoing per-
23 formance feedback and dialogue between super-
24 visors, managers, and employees throughout the

1 appraisal period, and setting timetables for re-
2 view.

3 “(G) Effective safeguards to ensure that
4 the management of the system is fair and equi-
5 table and based on employee performance.

6 “(H) A means for ensuring that adequate
7 agency resources are allocated for the design,
8 implementation, and administration of the per-
9 formance management system.

10 “(I) A pay-for-performance evaluation sys-
11 tem to better link individual pay to perform-
12 ance, and provide an equitable method for ap-
13 praising and compensating employees.

14 “(c) PERSONNEL MANAGEMENT AT DEFENSE LAB-
15 ORATORIES.—

16 “(1) The National Security Personnel System
17 shall not apply with respect to a laboratory under
18 paragraph (2) before October 1, 2011, and shall
19 apply on or after October 1, 2011, only to the extent
20 that the Secretary determines that the flexibilities
21 provided by the National Security Personnel System
22 are greater than the flexibilities provided to those
23 laboratories pursuant to section 342 of the National
24 Defense Authorization Act for Fiscal Year 1995
25 (Public Law 103–337; 108 Stat. 2721) and section

1 1101 of the Strom Thurmond National Defense Au-
2 thORIZATION Act for Fiscal Year 1999 (5 U.S.C. 3104
3 note), respectively.

4 “(2) The laboratories to which this subsection
5 applies are—

6 “(A) the Aviation and Missile Research
7 Development and Engineering Center;

8 “(B) the Army Research Laboratory;

9 “(C) the Medical Research and Materiel
10 Command;

11 “(D) the Engineer Research and Develop-
12 ment Command;

13 “(E) the Communications-Electronics
14 Command;

15 “(F) the Soldier and Biological Chemical
16 Command;

17 “(G) the Naval Sea Systems Command
18 Centers;

19 “(H) the Naval Research Laboratory;

20 “(I) the Office of Naval Research; and

21 “(J) the Air Force Research Laboratory.

22 “(d) OTHER NONWAIVABLE PROVISIONS.—The other
23 provisions of this part referred to in subsection (b)(3)(D)
24 are—

1 “(1) subparts A, B, E, G, and H of this part;
2 and

3 “(2) chapters 41, 45, 47, 55 (except subchapter
4 V thereof, apart from section 5545b), 57, 59, 71,
5 72, 73, 75, 77, and 79, and this chapter.

6 “(e) LIMITATIONS RELATING TO PAY.—

7 “(1) Nothing in this section shall constitute au-
8 thority to modify the pay of any employee who
9 serves in an Executive Schedule position under sub-
10 chapter II of chapter 53.

11 “(2) Except as provided for in paragraph (1),
12 the total amount in a calendar year of allowances,
13 differentials, bonuses, awards, or other similar cash
14 payments paid under this title to any employee who
15 is paid under section 5376 or 5383 or under title 10
16 or under other comparable pay authority established
17 for payment of Department of Defense senior execu-
18 tive or equivalent employees may not exceed the
19 total annual compensation payable to the Vice Presi-
20 dent under section 104 of title 3.

21 “(3) To the maximum extent practicable, the
22 rates of compensation for civilian employees at the
23 Department of Defense shall be adjusted at the
24 same rate, and in the same proportion, as are rates

1 of compensation for members of the uniformed serv-
2 ices.

3 “(4) To the maximum extent practicable, for
4 fiscal years 2004 through 2012, the overall amount
5 allocated for compensation of the civilian employees
6 of an organizational or functional unit of the De-
7 partment of Defense that is included in the National
8 Security Personnel System shall not be less than the
9 amount that would have been allocated for com-
10 pensation of such employees for such fiscal year if
11 they had not been converted to the National Security
12 Personnel System, based on, at a minimum—

13 “(A) the number and mix of employees in
14 such organizational or functional unit prior to
15 the conversion of such employees to the Na-
16 tional Security Personnel System; and

17 “(B) adjusted for normal step increases
18 and rates of promotion that would have been
19 expected, had such employees remained in their
20 previous pay schedule.

21 “(5) To the maximum extent practicable, the
22 regulations implementing the National Security Per-
23 sonnel System shall provide a formula for calcu-
24 lating the overall amount to be allocated for fiscal
25 years after fiscal year 2012 for compensation of the

1 civilian employees of an organization or functional
2 unit of the Department of Defense that is included
3 in the National Security Personnel System. The for-
4 mula shall ensure that in the aggregate, employees
5 are not disadvantaged in terms of the overall
6 amount of pay available as a result of conversion to
7 the National Security Personnel System, while pro-
8 viding flexibility to accommodate changes in the
9 function of the organization, changes in the mix of
10 employees performing those functions, and other
11 changed circumstances that might impact pay levels.

12 “(6) Amounts allocated for compensation of ci-
13 vilian employees of the Department of Defense pur-
14 suant to paragraphs (4) and (5) shall be available
15 only for the purpose of providing such compensation.

16 “(7) At the time of any annual adjustment to
17 pay schedules pursuant to section 5303, the rate of
18 basic pay for each employee of an organizational or
19 functional unit of the Department of Defense that is
20 included in the National Security Personnel System
21 who receives a performance rating above unaccept-
22 able or who does not have a current rating of record
23 for the most recently completed appraisal period
24 shall be adjusted by no less than 60 percent of the
25 amount of such adjustment. The balance of the

1 amount that would have been available for an an-
2 nual adjustment under section 5303 shall be allo-
3 cated to pay pool funding, for the purpose of in-
4 creasing rates of pay on the basis of employee per-
5 formance.

6 “(8) Each employee of an organizational or
7 functional unit of the Department of Defense that is
8 included in the National Security Personnel System
9 who receives a performance rating above unaccept-
10 able or who does not have a current rating of record
11 for the most recently completed appraisal period
12 shall receive—

13 “(A) locality-based comparability payments
14 under section 5304 and section 5304a in the
15 same manner and to the same extent as em-
16 ployees under the General Schedule; or

17 “(B) the full measure of any other local
18 market supplement applicable to the employee if
19 locality-based comparability payments referred
20 to in subparagraph (A) are not generally appli-
21 cable to the employee.

22 Nothing in this paragraph shall be construed to
23 make locality-based comparability payments or other
24 local market supplements payable to any category of
25 employees or positions which were ineligible for such

1 payments or supplements (as the case may be) as of
2 the day before the date of the enactment of the Na-
3 tional Defense Authorization Act for Fiscal Year
4 2004.

5 “(9) Any rate of pay established or adjusted in
6 accordance with the requirements of this section
7 shall be non-negotiable, but shall be subject to pro-
8 cedures and appropriate arrangements of para-
9 graphs (2) and (3) of section 7106(b), except that
10 nothing in this paragraph shall be construed to
11 eliminate the bargaining rights of any category of
12 employees who were authorized to negotiate rates of
13 pay as of the day before the date of the enactment
14 of the National Defense Authorization Act for Fiscal
15 Year 2004.

16 “(f) PROVISIONS REGARDING NATIONAL LEVEL
17 BARGAINING.—

18 “(1) The Secretary may bargain with a labor
19 organization which has been accorded exclusive rec-
20 ognition under chapter 71 at an organizational level
21 above the level of exclusive recognition. The decision
22 to bargain above the level of exclusive recognition
23 shall not be subject to review. The Secretary shall
24 consult with the labor organization before deter-

1 mining the appropriate organizational level of bar-
2 gaining.

3 “(2) Any such bargaining shall—

4 “(A) address issues that are—

5 “(i) subject to bargaining under chap-
6 ter 71 and this chapter;

7 “(ii) applicable to multiple bargaining
8 units; and

9 “(iii) raised by either party to the
10 bargaining;

11 “(B) except as agreed by the parties or di-
12 rected through an independent dispute resolu-
13 tion process agreed upon by the parties, be
14 binding on all affected subordinate bargaining
15 units of the labor organization at the level of
16 recognition and their exclusive representatives,
17 and the Department of Defense and its sub-
18 components, without regard to levels of recogni-
19 tion;

20 “(C) to the extent agreed by the parties or
21 directed through an independent dispute resolu-
22 tion process agreed upon by the parties, super-
23 sede conflicting provisions of all other collective
24 bargaining agreements of the labor organiza-
25 tion, including collective bargaining agreements

1 negotiated with an exclusive representative at
2 the level of recognition; and

3 “(D) except as agreed by the parties or di-
4 rected through an independent dispute resolu-
5 tion process agreed upon by the parties, not be
6 subject to further negotiations for any purpose,
7 including bargaining at the level of recognition.

8 “(3) Any independent dispute resolution process
9 agreed to by the parties for the purposes of para-
10 graph (2) shall have the authority to address all
11 issues on which the parties are unable to reach
12 agreement.

13 “(4) The National Guard Bureau and the Army
14 and Air Force National Guard may be included in
15 coverage under this subsection.

16 “(5) Any bargaining completed pursuant to this
17 subsection with a labor organization not otherwise
18 having national consultation rights with the Depart-
19 ment of Defense or its subcomponents shall not cre-
20 ate any obligation on the Department of Defense or
21 its subcomponents to confer national consultation
22 rights on such a labor organization.

23 “(g) PROVISIONS RELATED TO SEPARATION AND RE-
24 TIREMENT INCENTIVES.—

1 “(1) The Secretary may establish a program
2 within the Department of Defense under which em-
3 ployees may be eligible for early retirement, offered
4 separation incentive pay to separate from service vol-
5 untarily, or both. This authority may be used to re-
6 duce the number of personnel employed by the De-
7 partment of Defense or to restructure the workforce
8 to meet mission objectives without reducing the over-
9 all number of personnel. This authority is in addi-
10 tion to, and notwithstanding, any other authorities
11 established by law or regulation for such programs.

12 “(2)(A) The Secretary may not authorize the
13 payment of voluntary separation incentive pay under
14 paragraph (1) to more than 25,000 employees in
15 any fiscal year, except that employees who receive
16 voluntary separation incentive pay as a result of a
17 closure or realignment of a military installation
18 under the Defense Base Closure and Realignment
19 Act of 1990 (title XXIX of Public Law 101–510; 10
20 U.S.C. 2687 note) shall not be included in that
21 number.

22 “(B) The Secretary shall prepare a report each
23 fiscal year setting forth the number of employees
24 who received such pay as a result of a closure or re-

1 alignment of a military base as described under sub-
2 paragraph (A).

3 “(C) The Secretary shall submit the report
4 under subparagraph (B) to the Committee on Armed
5 Services and the Committee on Governmental Af-
6 fairs of the Senate, and the Committee on Armed
7 Services and the Committee on Government Reform
8 of the House of Representatives.

9 “(3) For purposes of this section, the term ‘em-
10 ployee’ means an employee of the Department of De-
11 fense, serving under an appointment without time
12 limitation, except that such term does not include—

13 “(A) a reemployed annuitant under sub-
14 chapter III of chapter 83 or chapter 84, or an-
15 other retirement system for employees of the
16 Federal Government;

17 “(B) an employee having a disability on
18 the basis of which such employee is or would be
19 eligible for disability retirement under any of
20 the retirement systems referred to in subpara-
21 graph (A); or

22 “(C) for purposes of eligibility for separa-
23 tion incentives under this section, an employee
24 who is in receipt of a decision notice of involun-

1 tary separation for misconduct or unacceptable
2 performance.

3 “(4) An employee who is at least 50 years of
4 age and has completed 20 years of service, or has
5 at least 25 years of service, may, pursuant to regula-
6 tions promulgated under this section, apply and be
7 retired from the Department of Defense and receive
8 benefits in accordance with chapter 83 or 84 if the
9 employee has been employed continuously within the
10 Department of Defense for more than 30 days be-
11 fore the date on which the determination to conduct
12 a reduction or restructuring within 1 or more De-
13 partment of Defense components is approved.

14 “(5)(A) Separation pay shall be paid in a lump
15 sum or in installments and shall be equal to the less-
16 er of —

17 “(i) an amount equal to the amount the
18 employee would be entitled to receive under sec-
19 tion 5595(c), if the employee were entitled to
20 payment under such section; or

21 “(ii) \$25,000.

22 “(B) Separation pay shall not be a basis for
23 payment, and shall not be included in the computa-
24 tion, of any other type of Government benefit. Sepa-
25 ration pay shall not be taken into account for the

1 purpose of determining the amount of any severance
2 pay to which an individual may be entitled under
3 section 5595, based on any other separation.

4 “(C) Separation pay, if paid in installments,
5 shall cease to be paid upon the recipient’s accept-
6 ance of employment by the Federal Government, or
7 commencement of work under a personal services
8 contract as described in paragraph (6).

9 “(6)(A) An employee who receives separation
10 pay under such program may not be reemployed by
11 the Department of Defense for a 12-month period
12 beginning on the effective date of the employee’s
13 separation, unless this prohibition is waived by the
14 Secretary on a case-by-case basis.

15 “(B) An employee who receives separation pay
16 under this section on the basis of a separation occur-
17 ring on or after the date of the enactment of the
18 Federal Workforce Restructuring Act of 1994 (Pub-
19 lic Law 103-226; 108 Stat. 111) and accepts em-
20 ployment with the Government of the United States,
21 or who commences work through a personal services
22 contract with the United States within 5 years after
23 the date of the separation on which payment of the
24 separation pay is based, shall be required to repay
25 the entire amount of the separation pay to the De-

1 partment of Defense. If the employment is with an
2 Executive agency (as defined by section 105) other
3 than the Department of Defense, the Director may,
4 at the request of the head of that agency, waive the
5 repayment if the individual involved possesses
6 unique abilities and is the only qualified applicant
7 available for the position. If the employment is with-
8 in the Department of Defense, the Secretary may
9 waive the repayment if the individual involved is the
10 only qualified applicant available for the position. If
11 the employment is with an entity in the legislative
12 branch, the head of the entity or the appointing offi-
13 cial may waive the repayment if the individual in-
14 volved possesses unique abilities and is the only
15 qualified applicant available for the position. If the
16 employment is with the judicial branch, the Director
17 of the Administrative Office of the United States
18 Courts may waive the repayment if the individual in-
19 volved possesses unique abilities and is the only
20 qualified applicant available for the position.

21 “(7) Under this program, early retirement and
22 separation pay may be offered only pursuant to reg-
23 ulations established by the Secretary, subject to such
24 limitations or conditions as the Secretary may re-
25 quire.

1 “(h) PROVISIONS RELATING TO REEMPLOYMENT.—

2 “(1) Except as provided under paragraph (2),
3 if an annuitant receiving an annuity from the Civil
4 Service Retirement and Disability Fund becomes
5 employed in a position within the Department of De-
6 fense, his annuity shall continue. An annuitant so
7 reemployed shall not be considered an employee for
8 purposes of subchapter III of chapter 83 or chapter
9 84.

10 “(2)(A) An annuitant retired under section
11 8336(d)(1) or 8414(b)(1)(A) receiving an annuity
12 from the Civil Service Retirement and Disability
13 Fund, who becomes employed in a position within
14 the Department of Defense after the date of enact-
15 ment of the National Defense Authorization Act for
16 Fiscal Year 2004 (Public Law 108–136), may elect
17 to be subject to section 8344 or 8468 (as the case
18 may be).

19 “(B) An election for coverage under this para-
20 graph shall be filed not later than the later of 90
21 days after the date the Department of Defense—

22 “(i) prescribes regulations to carry out this
23 subsection; or

24 “(ii) takes reasonable actions to notify em-
25 ployees who may file an election.

1 “(C) If an employee files an election under this
2 paragraph, coverage shall be effective beginning on
3 the first day of the first applicable pay period begin-
4 ning on or after the date of the filing of the election.

5 “(D) Paragraph (1) shall apply to an individual
6 who is eligible to file an election under subparagraph
7 (A) and does not file a timely election under sub-
8 paragraph (B).

9 “(3) The Secretary shall prescribe regulations
10 to carry out this subsection.

11 “(i) ADDITIONAL PROVISIONS RELATING TO PER-
12 SONNEL MANAGEMENT.—

13 “(1) Subject to the requirements of chapter 71
14 and the limitations in subsection (b)(3), the Sec-
15 retary of Defense, in establishing and implementing
16 the National Security Personnel System under sub-
17 section (a), shall not be limited by any provision of
18 this title or any rule or regulation prescribed under
19 this title in establishing and implementing regula-
20 tions relating to—

21 “(A) the methods of establishing qualifica-
22 tion requirements for, recruitment for, and ap-
23 pointments to positions; and

1 “(B) the methods of assigning, reas-
2 signing, detailing, transferring, or promoting
3 employees.

4 “(2) In implementing this subsection, the Sec-
5 retary shall comply with the provisions of section
6 2302(b)(11), regarding veterans’ preference require-
7 ments, as provided for in subsection (b)(3).

8 “(j) PHASE-IN.—The Secretary may not, in any cal-
9 endar year, add any organizational or functional unit to
10 the National Security Personnel System which would
11 cause the total number of employees added to such System
12 in such year to exceed 100,000.”.

13 (b) IMPLEMENTATION.—

14 (1) The requirements of section 9902 of title 5,
15 United States Code, as amended by this section,
16 may be implemented through rules promulgated
17 jointly by the Secretary of Defense and the Director
18 of the Office of Personnel Management after notice
19 and opportunity for public comment or through De-
20 partment of Defense rules or internal agency imple-
21 menting issuances. Rules promulgated jointly by the
22 Secretary and the Director under this paragraph
23 shall be treated as major rules for the purposes of
24 section 801 of title 5, United States Code.

1 (2) Both rules and implementing issuances shall
2 be subject to collective bargaining consistent with
3 the requirements of chapter 71 of title 5, United
4 States Code. Rules promulgated jointly by the Sec-
5 retary of Defense and the Director of the Office of
6 Personnel Management after notice and opportunity
7 for public comment and in accordance with the re-
8 quirements of section 801 of such title 5 for a major
9 rule shall be treated in the same manner as govern-
10 ment-wide rules for the purpose of such collective
11 bargaining, if such rules are uniformly applicable to
12 all organizational or functional units included in the
13 National Security Personnel System.

14 (3) Any rules and implementing issuances that
15 were adopted prior to the date of the enactment of
16 this Act—

17 (A) shall be invalid to the extent that they
18 are inconsistent with the requirements of sec-
19 tion 9902 of title 5, United States Code, as
20 amended by this section;

21 (B) shall not supersede a collective bar-
22 gaining agreement that was in place prior to
23 the date on which the rule or implementing
24 issuance was promulgated; and

1 (C) shall be subject to collective bar-
2 gaining—

3 (i) in the case of rules which are uni-
4 formly applicable to all organizational or
5 functional units included in the National
6 Security Personnel System and issued
7 jointly by the Secretary of Defense and the
8 Director of the Office of Personnel Man-
9 agement pursuant to subsection 9902(f)(1)
10 of title 5, United States Code (as in effect
11 prior to the enactment of this section),
12 only as to impact and implementation,
13 when applied to employees of the Depart-
14 ment of Defense from any bargaining unit;

15 (ii) in the case of any other rules or
16 implementing issuances, to the extent pro-
17 vided in chapter 71 of title 5, United
18 States Code.

19 (4) The availability of judicial review of any
20 rules or implementing issuances that were adopted
21 prior to the date of the enactment of this Act shall
22 not be affected by the enactment of this section.

23 (c) COMPTROLLER GENERAL REVIEWS.—

1 (1) The Comptroller General shall conduct an-
2 nual reviews in calendar years 2008, 2009 and 2010
3 of—

4 (A) employee satisfaction with the Na-
5 tional Security Personnel System established
6 pursuant to section 9902 of title 5, United
7 States Code, as amended by this section; and

8 (B) the extent to which the Department of
9 Defense has effectively implemented account-
10 ability mechanisms, including those established
11 in section 9902(b)(7) of title 5, United States
12 Code, and internal safeguards for the National
13 Security Personnel System.

14 (2) To the extent that the Department of De-
15 fense undertakes internal assessments or employee
16 surveys to assess employee satisfaction with the Na-
17 tional Security Personnel System in any such cal-
18 endar year, the Comptroller General shall—

19 (A) determine whether such assessments or
20 surveys are appropriately designed and statis-
21 tically valid; and

22 (B) provide an independent evaluation of
23 the results of such assessments or surveys.

24 (3) To the extent that the Department of De-
25 fense does not undertake appropriately designed and

1 statistically valid employee surveys, the Comptroller
2 General shall conduct such a survey and provide an
3 independent evaluation of the results.

4 (4) The Comptroller General shall report the
5 results of each annual review conducted under this
6 subsection to the Committees on Armed Services of
7 the Senate and the House of Representatives, the
8 Committee on Homeland Security and Governmental
9 Affairs of the Senate, and the Committee on Over-
10 sight and Government Reform of the House of Rep-
11 resentatives.

12 **SEC. 1107. REQUIREMENT FOR FULL IMPLEMENTATION OF**
13 **PERSONNEL DEMONSTRATION PROJECT.**

14 (a) REQUIREMENT.—The Secretary of Defense shall
15 take all necessary actions to fully implement and use the
16 authorities provided to the Secretary under section 342(b)
17 of the National Defense Authorization Act for Fiscal Year
18 1995 (Public Law 103–337; 108 Stat. 2721), as amended
19 by section 1114 of the Floyd D. Spence National Defense
20 Authorization Act for Fiscal Year 2001 (as enacted into
21 law by Public Law 106–398; 114 Stat. 1654A–315), to
22 carry out personnel management demonstration projects
23 at Department of Defense laboratories that are exempted
24 by section 9902(c) of title 5, United States Code, from

1 inclusion in the Department of Defense National Security
2 Personnel System.

3 (b) PROCESS FOR FULL IMPLEMENTATION.—The
4 Secretary of Defense shall also implement a process and
5 implementation plan to fully utilize the authorities de-
6 scribed in subsection (a) to enhance the performance of
7 the missions of the laboratories.

8 (c) OTHER LABORATORIES.—Any flexibility available
9 to any demonstration laboratory shall be available for use
10 at any other laboratory as enumerated in section
11 9902(c)(2) of title 5, United States Code.

12 (d) SUBMISSION OF LIST AND DESCRIPTION.—Not
13 later than March 1 of each year, beginning with March
14 1, 2008, the Secretary of Defense shall submit to Congress
15 a list and description of the demonstration project notices,
16 amendments, and changes requested by the laboratories
17 during the preceding calendar year. The list shall include
18 all approved and disapproved notices, amendments, and
19 changes, and the reasons for disapproval or delay in ap-
20 proval.

1 **SEC. 1108. AUTHORITY FOR INCLUSION OF CERTAIN OF-**
2 ****OFFICE OF DEFENSE RESEARCH AND ENGI-****
3 ****NEERING POSITIONS IN EXPERIMENTAL PER-****
4 ****SONNEL PROGRAM FOR SCIENTIFIC AND****
5 ****TECHNICAL PERSONNEL.****

6 Section 1101(b)(1) of the Strom Thurmond National
7 Defense Authorization Act for Fiscal Year 1999 (5 U.S.C.
8 3104 note) is amended—

9 (1) in subparagraph (B), by striking “and” at
10 the end;

11 (2) in subparagraph (C), by adding “and” at
12 the end; and

13 (3) by adding after subparagraph (C) the fol-
14 lowing:

15 “(D) not more than a total of 10 scientific
16 and engineering positions in the Office of the
17 Director of Defense Research and Engineer-
18 ing;”.

19 **SEC. 1109. PILOT PROGRAM FOR THE TEMPORARY ASSIGN-**
20 ****MENT OF INFORMATION TECHNOLOGY PER-****
21 ****SONNEL TO PRIVATE SECTOR ORGANIZA-****
22 ****TIONS.****

23 (a) **ASSIGNMENT AUTHORITY.**—The Secretary of De-
24 fense may, with the agreement of the private sector orga-
25 nization and the Department of Defense employee con-
26 cerned, arrange for the temporary assignment of such em-

1 ployee to such private sector organization under this sec-
2 tion. An employee shall be eligible for such an assignment
3 only if—

4 (1) the employee—

5 (A) works in the field of information tech-
6 nology management;

7 (B) is considered to be an exceptional em-
8 ployee;

9 (C) is expected to assume increased infor-
10 mation technology management responsibilities
11 in the future;

12 (D) is compensated at not less than the
13 GS-11 level (or the equivalent); and

14 (E) is serving under a career or career-
15 conditional appointment or an appointment of
16 equivalent tenure in the excepted service; and

17 (2) the proposed assignment meets applicable
18 requirements of section 209(b) of the E-Government
19 Act of 2002 (44 U.S.C. 3501 note).

20 (b) AGREEMENTS.—The Secretary of Defense shall
21 provide for a written agreement between the Department
22 of Defense and the employee concerned regarding the
23 terms and conditions of the employee's assignment under
24 this section. The agreement—

1 (1) shall require that, upon completion of the
2 assignment, the employee will serve in the civil serv-
3 ice for a period equal to the length of the assign-
4 ment; and

5 (2) shall provide that if the employee fails to
6 carry out the agreement, such employee shall be lia-
7 ble to the United States for payment of all expenses
8 of the assignment, unless that failure was for good
9 and sufficient reason (as determined by the Sec-
10 retary of Defense).

11 An amount for which an employee is liable under para-
12 graph (2) shall be treated as a debt due the United States.

13 (c) TERMINATION.—An assignment under this sec-
14 tion may, at any time and for any reason, be terminated
15 by the Department of Defense or the private sector organi-
16 zation concerned.

17 (d) DURATION.—An assignment under this section
18 shall be for a period of not less than 3 months and not
19 more than 1 year, and may be extended in 3-month incre-
20 ments for a total of not more than 1 additional year; how-
21 ever, no assignment under this section may commence
22 after September 30, 2010.

23 (e) CONSIDERATIONS.—In carrying out this section,
24 the Secretary of Defense—

1 (1) shall ensure that, of the assignments made
2 under this section each year, at least 20 percent are
3 to small business concerns (as defined by section
4 3703(e)(2)(A) of title 5, United States Code); and

5 (2) shall take into consideration the question of
6 how assignments under this section might best be
7 used to help meet the needs of the Department of
8 Defense with respect to the training of employees in
9 information technology management.

10 (f) NUMERICAL LIMITATION.—In no event may more
11 than 10 employees be participating in assignments under
12 this section as of any given time.

13 (g) REPORTING REQUIREMENT.—

14 (1) IN GENERAL.—Not later than 6 months
15 after the date of the enactment of this Act, the Sec-
16 retary of Defense shall submit to the Committees on
17 Armed Services of the Senate and House of Rep-
18 resentatives a report on the potential benefits of a
19 program under which employees specializing in in-
20 formation technology may be temporarily assigned
21 from private sector organizations to the Department
22 of Defense.

23 (2) CONTENTS.—The report shall include—

24 (A) a statement of findings and an expla-
25 nation of the bases for those findings;

1 (B) an assessment of the laws, rules, and
2 processes relating to the prevention of conflicts
3 of interest and abuse which would apply to pri-
4 vate sector employees during the period of their
5 assignment to the Department of Defense, and
6 whether they need to be strengthened or other-
7 wise changed;

8 (C) mechanisms proposed for the govern-
9 ance and oversight of the program; and

10 (D) recommendations for any legislation
11 which may be necessary.

12 **SEC. 1110. COMPENSATION FOR FEDERAL WAGE SYSTEM**
13 **EMPLOYEES FOR CERTAIN TRAVEL HOURS.**

14 Section 5544(a) of title 5, United States Code, is
15 amended in clause (iv) (in the third sentence following
16 paragraph (3)), by striking “administratively.” and insert-
17 ing “administratively (including travel by the employee to
18 such event and the return of the employee from such event
19 to the employee’s official duty station).”.

20 **SEC. 1111. TRAVEL COMPENSATION FOR WAGE GRADE PER-**
21 **SONNEL.**

22 (a) **ELIGIBILITY FOR COMPENSATORY TIME OFF FOR**
23 **TRAVEL.**—Section 5550b(a) of title 5, United States
24 Code, is amended by striking “section 5542(b)(2),” and

1 inserting “any provision of section 5542(b)(2) or
2 5544(a),”.

3 (b) CONFORMING AMENDMENT.—Section
4 5541(2)(xi) of such title is amended by striking “section
5 5544” and inserting “section 5544 or 5550b”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on the earlier of—

8 (1) the effective date of any regulations pre-
9 scribed to carry out such amendments; or

10 (2) the 90th day after the date of the enact-
11 ment of this Act.

12 **SEC. 1112. ACCUMULATION OF ANNUAL LEAVE BY SENIOR**
13 **LEVEL EMPLOYEES.**

14 Section 6304(f)(1) of title 5, United States Code, is
15 amended—

16 (1) in the matter before subparagraph (A), by
17 striking “in a position in—” and inserting “in—”;

18 (2) in subparagraphs (A) through (E), by in-
19 serting “a position in” before “the”;

20 (3) in subparagraph (D), by striking “or” at
21 the end;

22 (4) in subparagraph (E), by striking the period
23 and inserting a semicolon; and

24 (5) by adding after subparagraph (E) the fol-
25 lowing:

1 “(F) a position to which section 5376 applies;

2 or

3 “(G) a position designated under section
4 1607(a) of title 10 as an Intelligence Senior Level
5 position.”.

6 **SEC. 1113. UNIFORM ALLOWANCES FOR CIVILIAN EMPLOY-**
7 **EES.**

8 Section 1593(b) of title 10, United States Code, is
9 amended by striking “\$400 per year.” and inserting
10 “\$400 per year (or such higher maximum amount as the
11 Secretary of Defense may by regulation prescribe).”.

12 **SEC. 1114. FLEXIBILITY IN SETTING PAY FOR EMPLOYEES**
13 **WHO MOVE FROM A DEPARTMENT OF DE-**
14 **FENSE OR COAST GUARD NON-**
15 **APPROPRIATED FUND INSTRUMENTALITY**
16 **POSITION TO A POSITION IN THE GENERAL**
17 **SCHEDULE PAY SYSTEM.**

18 Section 5334(f) of title 5, United States Code, is
19 amended—

20 (1) by striking “(f)” and inserting “(f)(1)”;

21 (2) in the first sentence, by striking “does not
22 exceed” and all that follows through “2105(c).” and
23 inserting the following: “does not exceed—

24 “(A) if the highest previous rate of basic pay
25 received by that employee during the employee’s

1 service described in section 2105(e) is equal to a
2 rate of the appropriate grade, such rate of the ap-
3 propriate grade;

4 “(B) if the employee’s highest previous rate of
5 basic pay (as described in subparagraph (A)) is be-
6 tween two rates of the appropriate grade, the higher
7 of those two rates; or

8 “(C) if the employee’s highest previous rate of
9 basic pay (as described in subparagraph (A)) ex-
10 ceeds the maximum rate of the appropriate grade,
11 the maximum rate of the appropriate grade.”; and

12 (3) in the second sentence, by striking “In the
13 case of” and inserting the following:

14 “(2) In the case of”.

15 **SEC. 1115. RETIREMENT SERVICE CREDIT FOR SERVICE AS**
16 **CADET OR MIDSHIPMAN AT A MILITARY**
17 **SERVICE ACADEMY.**

18 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
19 8331(13) of title 5, United States Code, is amended by
20 striking “but” and inserting “and includes service as a
21 cadet at the United States Military Academy, the United
22 States Air Force Academy, or the United States Coast
23 Guard Academy, or as a midshipman at the United States
24 Naval Academy, but”.

1 (b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—
2 Section 8401(31) of such title is amended by striking
3 “but” and inserting “and includes service as a cadet at
4 the United States Military Academy, the United States
5 Air Force Academy, or the United States Coast Guard
6 Academy, or as a midshipman at the United States Naval
7 Academy, but”.

8 (c) APPLICABILITY.—The amendments made by this
9 section shall apply to—

10 (1) any annuity, eligibility for which is based
11 upon a separation occurring before, on, or after the
12 date of enactment of this Act; and

13 (2) any period of service as a cadet at the
14 United States Military Academy, the United States
15 Air Force Academy, or the United States Coast
16 Guard Academy, or as a midshipman at the United
17 States Naval Academy, occurring before, on, or after
18 the date of enactment of this Act.

19 **SEC. 1116. AUTHORIZATION FOR INCREASED COMPENSA-**
20 **TION FOR FACULTY AND STAFF OF THE UNI-**
21 **FORMED SERVICES UNIVERSITY OF THE**
22 **HEALTH SCIENCES.**

23 Section 2113(e) of title 10, United States Code, as
24 redesignated by section 954(a)(3) of this Act, is amend-
25 ed—

1 (1) in paragraph (1)—

2 (A) by inserting “(after due consideration
3 by the Secretary)” before “so as”; and

4 (B) by striking “within the vicinity of the
5 District of Columbia” and inserting “identified
6 by the Secretary for purposes of this para-
7 graph”; and

8 (2) in paragraph (4)—

9 (A) by striking “section 5373” and insert-
10 ing “sections 5307 and 5373”; and

11 (B) by adding at the end the following new
12 sentence: “In no event may the total amount of
13 compensation paid to an employee under para-
14 graph (1) in any year (including salary, allow-
15 ances, differentials, bonuses, awards, and other
16 similar cash payments) exceed the total amount
17 of annual compensation (excluding expenses)
18 specified in section 102 of title 3.”.

19 **SEC. 1117. REPORT ON ESTABLISHMENT OF A SCHOLAR-**
20 **SHIP PROGRAM FOR CIVILIAN MENTAL**
21 **HEALTH PROFESSIONALS.**

22 (a) REPORT REQUIRED.—Not later than 180 days
23 after the date of the enactment of this Act, the Secretary
24 of Defense shall, in consultation with the Assistant Sec-
25 retary of Defense for Health Affairs and each of the Sur-

1 geons General of the Armed Forces, submit to Congress
2 a report on the feasibility and advisability of establishing
3 a scholarship program for civilian mental health profes-
4 sionals.

5 (b) ELEMENTS.—The report shall include the fol-
6 lowing:

7 (1) An assessment of a potential scholarship
8 program that provides certain educational funding to
9 students seeking a career in mental health services
10 in exchange for service in the Department of De-
11 fense.

12 (2) An assessment of current scholarship pro-
13 grams which may be expanded to include mental
14 health professionals.

15 (3) Recommendations regarding the establish-
16 ment or expansion of scholarship programs for men-
17 tal health professionals.

18 (4) A plan to implement, or reasons for not im-
19 plementing, recommendations that will increase men-
20 tal health staffing across the Department of De-
21 fense.

22 **TITLE XII—MATTERS RELATING** 23 **TO FOREIGN NATIONS**

Subtitle A—Assistance and Training

Sec. 1201. Military-to-military contacts and comparable activities.

Sec. 1202. Authority for support of military operations to combat terrorism.

- Sec. 1203. Medical care and temporary duty travel expenses for liaison officers of certain foreign nations.
- Sec. 1204. Extension and expansion of Department of Defense authority to participate in multinational military centers of excellence.
- Sec. 1205. Reauthorization of Commanders' Emergency Response Program.
- Sec. 1206. Authority to build the capacity of the Pakistan Frontier Corps.
- Sec. 1207. Authority to equip and train foreign personnel to assist in accounting for missing United States Government personnel.
- Sec. 1208. Authority to provide automatic identification system data on maritime shipping to foreign countries and international organizations.
- Sec. 1209. Report on foreign-assistance related programs carried out by the Department of Defense.
- Sec. 1210. Extension and enhancement of authority for security and stabilization assistance.
- Sec. 1211. Government Accountability Office report on Global Peace Operations Initiative.
- Sec. 1212. Repeal of limitations on military assistance under the American Servicemembers' Protection Act of 2002.

Subtitle B—Matters Relating to Iraq and Afghanistan

- Sec. 1221. Modification of authorities relating to the Office of the Special Inspector General for Iraq Reconstruction.
- Sec. 1222. Limitation on availability of funds for certain purposes relating to Iraq.
- Sec. 1223. Report on United States policy and military operations in Iraq.
- Sec. 1224. Report on a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.
- Sec. 1225. Report on support from Iran for attacks against coalition forces in Iraq.
- Sec. 1226. Sense of Congress on the consequences of a failed state in Iraq.
- Sec. 1227. Sense of Congress on federalism in Iraq.
- Sec. 1228. Tracking and monitoring of defense articles provided to the Government of Iraq and other individuals and groups in Iraq.
- Sec. 1229. Special Inspector General for Afghanistan Reconstruction.
- Sec. 1230. Report on progress toward security and stability in Afghanistan.
- Sec. 1231. United States plan for sustaining the Afghanistan National Security Forces.
- Sec. 1232. Report on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
- Sec. 1233. Reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1234. Logistical support for coalition forces supporting operations in Iraq and Afghanistan.

Subtitle C—Iraq Refugee Crisis

- Sec. 1241. Short title.
- Sec. 1242. Processing mechanisms.
- Sec. 1243. United States refugee program processing priorities.
- Sec. 1244. Special immigrant status for certain Iraqis.
- Sec. 1245. Senior Coordinator for Iraqi Refugees and Internally Displaced Persons.
- Sec. 1246. Countries with significant populations of Iraqi refugees.
- Sec. 1247. Motion to reopen denial or termination of asylum.

- Sec. 1248. Reports.
 Sec. 1249. Authorization of appropriations.

Subtitle D—Other Authorities and Limitations

- Sec. 1251. Cooperative opportunities documents under cooperative research and development agreements with NATO organizations and other allied and friendly foreign countries.
 Sec. 1252. Extension and expansion of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
 Sec. 1253. Acceptance of funds from the Government of Palau for costs of United States military Civic Action Team in Palau.
 Sec. 1254. Repeal of requirement relating to North Korea.
 Sec. 1255. Justice for Osama bin Laden and other leaders of al Qaeda.
 Sec. 1256. Extension of Counterproliferation Program Review Committee.
 Sec. 1257. Sense of Congress on the Western Hemisphere Institute for Security Cooperation.
 Sec. 1258. Sense of Congress on Iran.

Subtitle E—Reports

- Sec. 1261. One-year extension of update on report on claims relating to the bombing of the Labelle Discotheque.
 Sec. 1262. Report on United States policy toward Darfur, Sudan.
 Sec. 1263. Inclusion of information on asymmetric capabilities in annual report on military power of the People's Republic of China.
 Sec. 1264. Report on application of the Uniform Code of Military Justice to civilians accompanying the Armed Forces during a time of declared war or contingency operation.
 Sec. 1265. Report on family reunions between United States citizens and their relatives in North Korea.
 Sec. 1266. Reports on prevention of mass atrocities.
 Sec. 1267. Report on threats to the United States from ungoverned areas.

1 **Subtitle A—Assistance and**
 2 **Training**

3 **SEC. 1201. MILITARY-TO-MILITARY CONTACTS AND COM-**
 4 **PARABLE ACTIVITIES.**

5 Section 168(c) of title 10, United States Code, is
 6 amended by adding at the end the following new para-
 7 graph:

8 “(9) The assignment of personnel described in
 9 paragraph (3) or (4) on a non-reciprocal basis if the
 10 Secretary of Defense determines that such an as-

1 signment, rather than an exchange of personnel, is
2 in the interests of the United States.”.

3 **SEC. 1202. AUTHORITY FOR SUPPORT OF MILITARY OPER-**
4 **ATIONS TO COMBAT TERRORISM.**

5 (a) MODIFICATION OF REPORTING REQUIREMENT.—
6 Subsection (f) of section 1208 of the Ronald W. Reagan
7 National Defense Authorization Act for Fiscal Year 2005
8 (Public Law 108–375; 118 Stat. 2086–2087) is amended
9 to read as follows:

10 “(f) ANNUAL REPORT.—

11 “(1) REPORT REQUIRED.—Not later than 120
12 days after the close of each fiscal year during which
13 subsection (a) is in effect, the Secretary of Defense
14 shall submit to the congressional defense committees
15 a report on support provided under that subsection
16 during that fiscal year.

17 “(2) MATTERS TO BE INCLUDED.—Each report
18 required by paragraph (1) shall describe the support
19 provided, including—

20 “(A) the country involved in the activity,
21 the individual or force receiving the support,
22 and, to the maximum extent practicable, the
23 specific region of each country involved in the
24 activity;

1 “(B) the respective dates and a summary
2 of congressional notifications for each activity;

3 “(C) the unified commander for each activ-
4 ity, as well as the related objectives, as estab-
5 lished by that commander;

6 “(D) the total amount obligated to provide
7 the support;

8 “(E) for each activity that amounts to
9 more than \$500,000, specific budget details
10 that explain the overall funding level for that
11 activity; and

12 “(F) a statement providing a brief assess-
13 ment of the outcome of the support, including
14 specific indications of how the support
15 furthered the mission objective of special oper-
16 ations forces and the types of follow-on support,
17 if any, that may be necessary.”.

18 (b) ANNUAL LIMITATION.—Subsection (g) of such
19 section is amended—

20 (1) in the heading, by striking “FISCAL YEAR
21 2005” and inserting “ANNUAL”; and

22 (2) by striking “fiscal year 2005” and inserting
23 “each fiscal year during which subsection (a) is in
24 effect”.

1 (c) EXTENSION OF PERIOD OF AUTHORITY.—Sub-
2 section (h) of such section is amended by striking “2007”
3 and inserting “2010”.

4 **SEC. 1203. MEDICAL CARE AND TEMPORARY DUTY TRAVEL**
5 **EXPENSES FOR LIAISON OFFICERS OF CER-**
6 **TAIN FOREIGN NATIONS.**

7 (a) AUTHORITY.—Subsection (a) of section 1051a of
8 title 10, United States Code, is amended—

9 (1) by striking “involved in a coalition” and in-
10 sserting “involved in a military operation”; and

11 (2) by striking “coalition operation” and insert-
12 ing “military operation”.

13 (b) MEDICAL CARE AND TEMPORARY DUTY TRAVEL
14 EXPENSES.—Subsection (b) of such section is amended—

15 (1) in the heading, by striking “AND SUBSIST-
16 ENCE” inserting “, SUBSISTENCE, AND MEDICAL
17 CARE”;

18 (2) in paragraph (2), by adding at the end the
19 following:

20 “(C) Expenses for medical care at a civilian
21 medical facility if—

22 “(i) adequate medical care is not available
23 to the liaison officer at a local military medical
24 treatment facility;

1 “(ii) the Secretary determines that pay-
2 ment of such medical expenses is necessary and
3 in the best interests of the United States; and

4 “(iii) medical care is not otherwise avail-
5 able to the liaison officer pursuant to any treaty
6 or other international agreement.”; and

7 (3) by adding at the end the following:

8 “(3) The Secretary may pay the mission-related
9 travel expenses of a liaison officer described in sub-
10 section (a) if such travel is in support of the na-
11 tional interests of the United States and the com-
12 mander of the headquarters to which the liaison offi-
13 cer is temporarily assigned directs round-trip travel
14 from the assigned headquarters to one or more loca-
15 tions.”.

16 (c) DEFINITION.—Subsection (d) of such section is
17 amended—

18 (1) by striking “(d) DEFINITIONS.—” and all
19 that follows through “(1) The term” and inserting
20 “(d) DEFINITION.—In this section, the term”; and
21 (2) by striking paragraph (2).

22 (d) EXPIRATION OF AUTHORITY.—Such section is
23 further amended by striking subsection (e).

1 (e) CONFORMING AND CLERICAL AMENDMENTS.—

2 (1) The heading for such section is amended to read as
3 follows:

4 **“§ 1051a. Liaison officers of certain foreign nations;**
5 **administrative services and support;**
6 **travel, subsistence, medical care, and**
7 **other personal expenses”.**

8 (2) The table of sections at the beginning of chapter
9 53 of title 10, United States Code, is amended by striking
10 the item relating to section 1051a and inserting the fol-
11 lowing:

“1051a. Liaison officers of certain foreign nations; administrative services and
support; travel, subsistence, medical care, and other personal
expenses.”.

12 **SEC. 1204. EXTENSION AND EXPANSION OF DEPARTMENT**
13 **OF DEFENSE AUTHORITY TO PARTICIPATE IN**
14 **MULTINATIONAL MILITARY CENTERS OF EX-**
15 **CELLENCE.**

16 (a) EXTENSION OF AUTHORITY.—Subsection (a) of
17 section 1205 of the John Warner National Defense Au-
18 thorization Act for Fiscal Year 2007 (Public Law 109–
19 364; 1202 Stat. 2416) is amended by striking “fiscal year
20 2007” and inserting “fiscal years 2007 and 2008”.

21 (b) LIMITATION ON AMOUNTS AVAILABLE FOR PAR-
22 TICIPATION.—Subsection (e) of such section is amended
23 by striking paragraph (2) and inserting the following new
24 paragraph:

1 “(2) LIMITATION ON AMOUNT.—The amount
2 available under paragraph (1)(A) for the expenses
3 referred to in that paragraph may not exceed—

4 “(A) in fiscal year 2007, \$3,000,000; and
5 “(B) in fiscal year 2008, \$5,000,000.”.

6 (c) REPORTS.—Subsection (g) of such section is
7 amended—

8 (1) in paragraph (1)—

9 (A) by inserting “and October 31, 2008,”
10 after “October 31, 2007,”; and

11 (B) by striking “fiscal year 2007” and in-
12 serting “fiscal years 2007 and 2008”; and

13 (2) in paragraph (2)(A), by striking “during
14 fiscal year 2007” and inserting “during the pre-
15 ceding fiscal year”.

16 **SEC. 1205. REAUTHORIZATION OF COMMANDERS’ EMER-**
17 **GENCY RESPONSE PROGRAM.**

18 (a) AUTHORITY.—Subsection (a) of section 1202 of
19 the National Defense Authorization Act for Fiscal Year
20 2006 (Public Law 109–163; 119 Stat. 3455–3456) is
21 amended—

22 (1) in the heading, by striking “FISCAL YEARS
23 2006 AND 2007” and inserting “FISCAL YEARS
24 2008 AND 2009”; and

25 (2) in the matter preceding paragraph (1)—

1 (A) by striking “fiscal years 2006 and
2 2007” and inserting “fiscal years 2008 and
3 2009”; and

4 (B) by striking “\$500,000,000” and in-
5 serting “\$977,441,000”.

6 (b) QUARTERLY REPORTS.—Subsection (b) of such
7 section is amended by striking “fiscal years 2006 and
8 2007” and inserting “fiscal years 2008 and 2009”.

9 **SEC. 1206. AUTHORITY TO BUILD THE CAPACITY OF THE**
10 **PAKISTAN FRONTIER CORPS.**

11 (a) AUTHORITY.—The Secretary of Defense, with the
12 concurrence of the Secretary of State, is authorized during
13 fiscal year 2008 to provide assistance to enhance the abil-
14 ity of the Pakistan Frontier Corps to conduct
15 counterterrorism operations along the border between
16 Pakistan and Afghanistan.

17 (b) TYPES OF ASSISTANCE.—

18 (1) AUTHORIZED ELEMENTS.—Assistance
19 under subsection (a) may include the provision of
20 equipment, supplies, and training.

21 (2) REQUIRED ELEMENTS.—Assistance under
22 subsection (a) shall be provided in a manner that
23 promotes—

24 (A) observance of and respect for human
25 rights and fundamental freedoms; and

1 (B) respect for legitimate civilian authority
2 within Pakistan.

3 (c) LIMITATIONS.—

4 (1) FUNDING LIMITATION.—The Secretary of
5 Defense may use up to \$75,000,000 of funds avail-
6 able to the Department of Defense for operation and
7 maintenance for fiscal year 2008 to provide the as-
8 sistance under subsection (a).

9 (2) ASSISTANCE OTHERWISE PROHIBITED BY
10 LAW.—The Secretary of Defense may not use the
11 authority in subsection (a) to provide any type of as-
12 sistance described in subsection (b) that is otherwise
13 prohibited by any provision of law.

14 (d) CONGRESSIONAL NOTIFICATION.—

15 (1) IN GENERAL.—Not less than 15 days before
16 providing assistance under subsection (a), the Sec-
17 retary of Defense shall submit to the congressional
18 committees specified in paragraph (2) a notice of the
19 following:

20 (A) The budget, types of assistance, and
21 completion date for providing the assistance
22 under subsection (a).

23 (B) The source and planned expenditure of
24 funds for the assistance under subsection (a).

1 (2) SPECIFIED CONGRESSIONAL COMMIT-
2 TEES.—The congressional committees specified in
3 this paragraph are the following:

4 (A) The Committee on Armed Services, the
5 Committee on Foreign Relations, and the Com-
6 mittee on Appropriations of the Senate.

7 (B) The Committee on Armed Services,
8 the Committee on Foreign Affairs, and the
9 Committee on Appropriations of the House of
10 Representatives.

11 **SEC. 1207. AUTHORITY TO EQUIP AND TRAIN FOREIGN PER-**
12 **SONNEL TO ASSIST IN ACCOUNTING FOR**
13 **MISSING UNITED STATES GOVERNMENT PER-**
14 **SONNEL.**

15 (a) IN GENERAL.—Chapter 20 of title 10, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 408. Equipment and training of foreign personnel**
19 **to assist in Department of Defense ac-**
20 **counting for missing United States Gov-**
21 **ernment personnel**

22 “(a) IN GENERAL.—The Secretary of Defense may
23 provide assistance to any foreign nation to assist the De-
24 partment of Defense with recovery of and accounting for
25 missing United States Government personnel.

1 “(b) TYPES OF ASSISTANCE.—The assistance pro-
2 vided under subsection (a) may include the following:

3 “(1) Equipment.

4 “(2) Supplies.

5 “(3) Services.

6 “(4) Training of personnel.

7 “(c) APPROVAL BY SECRETARY OF STATE.—Assist-
8 ance may not be provided under this section to any foreign
9 nation unless the Secretary of State specifically approves
10 the provision of such assistance.

11 “(d) LIMITATION.—The amount of assistance pro-
12 vided under this section in any fiscal year may not exceed
13 \$1,000,000.

14 “(e) CONSTRUCTION WITH OTHER ASSISTANCE.—
15 The authority to provide assistance under this section is
16 in addition to any other authority to provide assistance
17 to foreign nations under law.

18 “(f) ANNUAL REPORTS.—(1) Not later than Decem-
19 ber 31 each year, the Secretary of Defense shall submit
20 to the congressional defense committees a report on the
21 assistance provided under this section during the fiscal
22 year ending in such year.

23 “(2) Each report under paragraph (1) shall include,
24 for the fiscal year covered by such report, the following:

1 “(A) A listing of each foreign nation provided
2 assistance under this section.

3 “(B) For each nation so provided assistance, a
4 description of the type and amount of such assist-
5 ance.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 20 of such title is amended
8 by adding at the end the following new item:

“408. Equipment and training of foreign personnel to assist in Department of
Defense accounting for missing United States Government per-
sonnel”.

9 **SEC. 1208. AUTHORITY TO PROVIDE AUTOMATIC IDENTI-**
10 **FICATION SYSTEM DATA ON MARITIME SHIP-**
11 **PING TO FOREIGN COUNTRIES AND INTER-**
12 **NATIONAL ORGANIZATIONS.**

13 (a) AUTHORITY TO PROVIDE DATA.—The Secretary
14 of Defense, with the concurrence of the Secretary of State,
15 may authorize the Secretary of a military department or
16 a commander of a combatant command to exchange or
17 furnish automatic identification system data broadcast by
18 merchant or private ships and collected by the United
19 States to a foreign country or international organization
20 pursuant to an agreement for the exchange or production
21 of such data. Such data may be transferred pursuant to
22 this section without cost to the recipient country or inter-
23 national organization.

24 (b) DEFINITIONS.—In this section:

1 (1) a description of the dollar amount, type of
2 support, and purpose of each foreign–assistance re-
3 lated program carried out by the Department of De-
4 fense under—

5 (A) section 1206 of the National Defense
6 Authorization Act for Fiscal Year 2006 (Public
7 Law 109–163; 119 Stat. 3456), relating to au-
8 thority to build the capacity of foreign military
9 forces;

10 (B) section 1207 of the National Defense
11 Authorization Act for Fiscal Year 2006 (Public
12 Law 109–163; 119 Stat. 3458), relating to au-
13 thority to provide security and stabilization as-
14 sistance to foreign countries;

15 (C) section 1208 of the National Defense
16 Authorization Act for Fiscal Year 2006 (Public
17 Law 109–163; 119 Stat. 3459), relating to au-
18 thority to reimburse certain coalition nations
19 for support provided to United States military
20 operations;

21 (D) section 1033 of the National Defense
22 Authorization Act for Fiscal Year 1998 (Public
23 Law 105–85; 111 Stat. 1881), relating to au-
24 thority to provide additional support for
25 counter-drug activities of Peru and Colombia;

1 (E) section 1004 of the National Defense
2 Authorization Act for Fiscal Year 1991 (Public
3 Law 101-510; 10 U.S.C. 374 note), relating to
4 additional support for counter-drug activities;

5 (F) section 127d of title 10, United States
6 Code, relating to authority to provide logistic
7 support, supplies, and services to allied forces
8 participating in a combined operation with the
9 Armed Forces;

10 (G) section 2249c of title 10, United
11 States Code, relating to authority to use appro-
12 priated funds for costs associated with edu-
13 cation and training of foreign officials under
14 the Regional Defense Combating Terrorism
15 Fellowship Program; and

16 (H) section 2561 of title 10, United States
17 Code, relating to authority to provide humani-
18 tarian assistance; and

19 (2) a description of each foreign-assistance re-
20 lated program that the Department of Defense un-
21 dertakes or implements on behalf of any other de-
22 partment or agency of the United States Govern-
23 ment, including programs under the Foreign Assist-
24 ance Act of 1961 (22 U.S.C. 2151 et seq.) and the
25 Arms Export Control Act (22 U.S.C. 2751 et seq.).

1 (c) FORM.—The report required under subsection (a)
2 shall be submitted in unclassified form, but may contain
3 a classified annex.

4 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means—

7 (1) the Committee on Appropriations, the Com-
8 mittee on Armed Services, and the Committee on
9 Foreign Affairs of the House of Representatives;
10 and

11 (2) the Committee on Appropriations, the Com-
12 mittee on Armed Services, and the Committee on
13 Foreign Relations of the Senate.

14 **SEC. 1210. EXTENSION AND ENHANCEMENT OF AUTHORITY**
15 **FOR SECURITY AND STABILIZATION ASSIST-**
16 **ANCE.**

17 (a) PROGRAM FOR ASSISTANCE.—Section 1207 of
18 the National Defense Authorization Act for Fiscal Year
19 2006 (Public Law 109–163; 119 Stat. 3458) is amend-
20 ed—

21 (1) by redesignating subsections (d), (e), and
22 (f) as subsections (e), (f), and (g), respectively; and

23 (2) by inserting after subsection (c) the fol-
24 lowing:

1 “(d) FORMULATION AND IMPLEMENTATION OF PRO-
2 GRAM FOR ASSISTANCE.—The Secretary of State shall co-
3 ordinate with the Secretary of Defense in the formulation
4 and implementation of a program of reconstruction, secu-
5 rity, or stabilization assistance to a foreign country that
6 involves the provision of services or transfer of defense ar-
7 ticles or funds under subsection (a).”.

8 (b) ONE-YEAR EXTENSION.—Subsection (g) of such
9 section, as redesignated by subsection (a) of this section,
10 is amended by striking “September 30, 2007” and insert-
11 ing “September 30, 2008”.

12 **SEC. 1211. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
13 **PORT ON GLOBAL PEACE OPERATIONS INI-**
14 **TIATIVE.**

15 (a) REPORT REQUIRED.—Not later than June 1,
16 2008, the Comptroller General of the United States shall
17 submit to the congressional defense committees, the Com-
18 mittee on Foreign Relations of the Senate, and the Com-
19 mittee on Foreign Affairs of the House of Representatives
20 a report assessing the Global Peace Operations Initiative.

21 (b) CONTENT.—The report required under subsection
22 (a) shall include the following:

23 (1) An assessment of whether, and to what ex-
24 tent, the Global Peace Operations Initiative has met

1 the goals set by the President at the inception of the
2 program in 2004.

3 (2) Which goals, if any, remain unfulfilled.

4 (3) A description of activities conducted by each
5 member state of the Group of Eight (G–8), includ-
6 ing the approximate cost of the activities, and the
7 approximate percentage of the total monetary value
8 of the activities conducted by each G–8 member, in-
9 cluding the United States, as well as efforts by the
10 President to seek contributions or participation by
11 other G–8 members.

12 (4) A description of any activities conducted by
13 non-G–8 members, or other organizations and insti-
14 tutions, as well as any efforts by the President to so-
15 licit contributions or participation.

16 (5) A description of the extent to which the
17 Global Peace Operations Initiative has had global
18 participation.

19 (6) A description of the administration of the
20 program by the Department of State and Depart-
21 ment of Defense, including—

22 (A) whether each Department should con-
23 centrate administration in one office or bureau,
24 and if so, which one;

1 (B) the extent to which the two Depart-
2 ments coordinate and the quality of their co-
3 ordination; and

4 (C) the extent to which contractors are
5 used and an assessment of the quality and
6 timeliness of the results achieved by the con-
7 tractors, and whether the United States Gov-
8 ernment might have achieved similar or better
9 results without contracting out functions.

10 (7) A description of the metrics, if any, that are
11 used by the President and the G-8 to measure
12 progress in implementation of the Global Peace Op-
13 erations Initiative, including—

14 (A) assessments of the quality and sustain-
15 ability of the training of individual soldiers and
16 units;

17 (B) the extent to which the G-8 and par-
18 ticipating countries maintain records or data-
19 bases of trained individuals and units and con-
20 duct inspections to measure and monitor the
21 continued readiness of such individuals and
22 units;

23 (C) the extent to which the individuals and
24 units are equipped and remain equipped to de-
25 ploy in peace operations; and

1 (D) the extent to which, the timeline by
2 which, and how individuals and units can be
3 mobilized for peace operations.

4 (8) The extent to which, the timeline by which,
5 and how individuals and units can be and are being
6 deployed to peace operations.

7 (9) An assessment of whether individuals and
8 units trained under the Global Peace Operations Ini-
9 tiative have been utilized in peace operations subse-
10 quent to receiving training under the Initiative,
11 whether they will be deployed to upcoming oper-
12 ations in Africa and elsewhere, and the extent to
13 which such individuals and units would be prepared
14 to deploy and participate in such peace operations.

15 (10) Recommendations as to whether participa-
16 tion in the Global Peace Operations Initiative should
17 require reciprocal participation by countries in peace
18 operations.

19 (11) Any additional measures that could be
20 taken to enhance the effectiveness of the Global
21 Peace Operations Initiative in terms of—

22 (A) achieving its stated goals; and

23 (B) ensuring that individuals and units
24 trained as part of the Initiative are regularly
25 participating in peace operations.

1 (c) FORM.—To the maximum extent practicable, the
2 report required under subsection (a) shall be submitted
3 in unclassified form, but may include a classified annex,
4 if necessary.

5 **SEC. 1212. REPEAL OF LIMITATIONS ON MILITARY ASSIST-**
6 **ANCE UNDER THE AMERICAN**
7 **SERVICEMEMBERS' PROTECTION ACT OF**
8 **2002.**

9 (a) REPEAL OF LIMITATIONS.—Section 2007 of the
10 American Servicemembers' Protection Act of 2002 (22
11 U.S.C. 7426) is repealed.

12 (b) CONFORMING AMENDMENTS.—Such Act is fur-
13 ther amended—

14 (1) in section 2003 (22 U.S.C. 7422)—

15 (A) in subsection (a)—

16 (i) in the heading, by striking “**SEC-**
17 **TIONS 5 AND 7**” and inserting “**SECTION**
18 **2005**”; and

19 (ii) by striking “sections 2005 and
20 2007” and inserting “section 2005”;

21 (B) in subsection (b)—

22 (i) in the heading, by striking “**SEC-**
23 **TIONS 5 AND 7**” and inserting “**SECTION**
24 **2005**”; and

1 (ii) by striking “sections 2005 and
2 2007” and inserting “section 2005”;

3 (C) in subsection (c)(2)(A), by striking
4 “sections 2005 and 2007” and inserting “sec-
5 tion 2005”;

6 (D) in subsection (d), by striking “sections
7 2005 and 2007” and inserting “section 2005”;
8 and

9 (E) in subsection (e), by striking “2006,
10 and 2007” and inserting “and 2006”; and

11 (2) in section 2013 (22 U.S.C. 7432), by strik-
12 ing paragraph (13).

13 **Subtitle B—Matters Relating to** 14 **Iraq and Afghanistan**

15 **SEC. 1221. MODIFICATION OF AUTHORITIES RELATING TO** 16 **THE OFFICE OF THE SPECIAL INSPECTOR** 17 **GENERAL FOR IRAQ RECONSTRUCTION.**

18 (a) PURPOSES.—Subsection (a)(1) of section 3001 of
19 the Emergency Supplemental Appropriations Act for De-
20 fense and for the Reconstruction of Iraq and Afghanistan,
21 2004 (Public Law 108–106; 117 Stat. 1234–1238; 5
22 U.S.C. App., note to section 8G of Public Law 95–452)
23 is amended by striking “to the Iraq Relief and Reconstruc-
24 tion Fund” and inserting “for the reconstruction of Iraq”.

1 (b) ASSISTANT INSPECTORS GENERAL.—Subsection
2 (d)(1) of such section is amended by striking “the Iraq
3 Relief and Reconstruction Fund” and inserting “amounts
4 appropriated or otherwise made available for the recon-
5 struction of Iraq”.

6 (c) SUPERVISION.—Subsection (e)(2) of such section
7 is amended by striking “the Iraq Relief and Reconstruc-
8 tion Fund” and inserting “amounts appropriated or other-
9 wise made available for the reconstruction of Iraq”.

10 (d) DUTIES.—Subsection (f)(1) of such section is
11 amended by striking “to the Iraq Relief and Reconstruc-
12 tion Fund” and inserting “for the reconstruction of Iraq”.

13 (e) PERSONNEL, FACILITIES, AND OTHER RE-
14 SOURCES.—Subsection (h) of such section is amended—

15 (1) in paragraph (1), by inserting after “pay
16 rates” the following: “, and may exercise the au-
17 thorities of subsections (b) through (i) of section
18 3161 of title 5, United States Code (without regard
19 to subsection (a) of such section)”; and

20 (2) in paragraph (3), by striking “my enter”
21 and inserting “may enter”.

22 (f) REPORTS.—Subsection (i) of such section is
23 amended by striking “to the Iraq Relief and Reconstruc-
24 tion Fund” each place it appears and inserting “for the
25 reconstruction of Iraq”.

1 (g) DEFINITIONS.—Subsection (m) of such section is
2 amended—

3 (1) in the heading, by striking “APPROPRIATE
4 COMMITTEES OF CONGRESS DEFINED” and insert-
5 ing “DEFINITIONS”;

6 (2) by striking “In this section, the term” and
7 inserting the following: “In this section—

8 “(1) the term”;

9 (3) by redesignating paragraphs (1) and (2) as
10 subparagraphs (A) and (B), respectively;

11 (4) in paragraph (1)(B) (as redesignated by
12 paragraph (3) of this subsection), by striking “and
13 International Relations” and inserting “Foreign Af-
14 fairs, and Oversight and Government Reform”;

15 (5) by striking the period at the end and insert-
16 ing “; and”; and

17 (6) by adding at the end the following:

18 “(2) the term ‘amounts appropriated or other-
19 wise made available for the reconstruction of Iraq’
20 means amounts appropriated or otherwise made
21 available for any fiscal year—

22 “(A) to the Iraq Relief and Reconstruction
23 Fund, the Iraq Security Forces Fund, and the
24 Commanders’ Emergency Response Program
25 authorized under section 1202 of the National

1 Defense Authorization for Fiscal Year 2006
2 (Public Law 109–163; 119 Stat. 3455–3456);

3 or

4 “(B) for assistance for the reconstruction
5 of Iraq under—

6 “(i) the Economic Support Fund au-
7 thorized under chapter 4 of part II of the
8 Foreign Assistance Act of 1961 (22 U.S.C.
9 2346 et seq.);

10 “(ii) the International Narcotics Con-
11 trol and Law Enforcement account author-
12 ized under section 481 of the Foreign As-
13 sistance Act of 1961 (22 U.S.C. 2291); or

14 “(iii) any other provision of law.”.

15 (h) TERMINATION DATE.—Subsection (o) of such
16 section is amended—

17 (1) in paragraph (1), to read as follows:

18 “(1) The Office of the Inspector General shall termi-
19 nate 180 days after the date on which amounts appro-
20 priated or otherwise made available for the reconstruction
21 of Iraq that are unexpended are less than \$250,000,000.”;

22 and

23 (2) in paragraph (2)—

24 (A) by striking “funds deemed to be”; and

1 (B) by striking “to the Iraq Relief and Re-
2 construction Fund” and inserting “for the re-
3 construction of Iraq”.

4 **SEC. 1222. LIMITATION ON AVAILABILITY OF FUNDS FOR**
5 **CERTAIN PURPOSES RELATING TO IRAQ.**

6 No funds appropriated pursuant to an authorization
7 of appropriations in this Act may be obligated or expended
8 for a purpose as follows:

9 (1) To establish any military installation or
10 base for the purpose of providing for the permanent
11 stationing of United States Armed Forces in Iraq.

12 (2) To exercise United States control of the oil
13 resources of Iraq.

14 **SEC. 1223. REPORT ON UNITED STATES POLICY AND MILI-**
15 **TARY OPERATIONS IN IRAQ.**

16 (a) REPORT.—

17 (1) IN GENERAL.—Subsection (c) of section
18 1227 of the National Defense Authorization Act for
19 Fiscal Year 2006 (Public Law 109–163; 119 Stat.
20 3465; 50 U.S.C. 1541 note) is amended—

21 (A) in paragraph (2), by striking “Iraq.”
22 and inserting the following: “Iraq, including—
23 “(A) enacting a broadly-accepted hydro-
24 carbon law that equitably shares revenue among
25 all Iraqis;

1 “(B) adopting laws necessary for the con-
2 duct of provincial and local elections, taking
3 steps to implement such laws, and setting a
4 schedule to conduct provincial and local elec-
5 tions;

6 “(C) reforming current laws governing the
7 de-Baathification process in a manner that en-
8 courages national reconciliation;

9 “(D) amending the Constitution of Iraq in
10 a manner that encourages national reconcili-
11 ation;

12 “(E) allocating and beginning expenditure
13 of \$10 billion in Iraqi revenues for reconstruc-
14 tion projects, including delivery of essential
15 services, and implementing such reconstruction
16 projects on an equitable basis; and

17 “(F) making significant efforts to plan and
18 implement disarmament, demobilization, and re-
19 integration programs relating to Iraqi mili-
20 tias.”;

21 (B) by striking paragraph (3) and insert-
22 ing the following:

23 “(3) A detailed description of the Joint Cam-
24 paign Plan, or any subsequent revisions, updates, or
25 documents that replace or supersede the Joint Cam-

1 paign Plan, including goals, phases, or other mile-
2 stones contained in the Joint Campaign Plan. Spe-
3 cifically, the description shall include the following:

4 “(A) An explanation of conditions required
5 to move through phases of the Joint Campaign
6 Plan, in particular those conditions that must
7 be met in order to provide for the transition of
8 additional security responsibility to the Iraqi
9 Security Forces, and the measurements used to
10 determine progress.

11 “(B) An assessment of which conditions in
12 the Joint Campaign Plan have been achieved
13 and which conditions have not been achieved.
14 The assessment of those conditions that have
15 not been achieved shall include a discussion of
16 the factors that have precluded progress.

17 “(C) A description of any companion or
18 equivalent plan of the Government of Iraq used
19 to measure progress for Iraqi Security Forces
20 undertaking joint operations with Coalition
21 Forces.”; and

22 (C) by adding at the end the following:

23 “(7) An assessment of the levels of United
24 States Armed Forces required in Iraq for the six-
25 month period following the date of the report, the

1 missions to be undertaken by the Armed Forces in
2 Iraq for such period, and the incremental costs or
3 savings of any proposed changes to such levels or
4 missions.

5 “(8) A description of the range of conditions
6 that could prompt changes to the levels of United
7 States Armed Forces required in Iraq for the six-
8 month period following the date of the report or the
9 missions to be undertaken by the Armed Forces in
10 Iraq for such period, including the status of plan-
11 ning for such changes to the levels or missions of the
12 Armed Forces in Iraq.”

13 (2) EFFECTIVE DATE.—The amendments made
14 by paragraph (1) shall apply with respect to each re-
15 port required to be submitted to Congress under sec-
16 tion 1227(c) of the National Defense Authorization
17 Act for Fiscal Year 2006 on or after the date of the
18 enactment of this Act.

19 (b) CONGRESSIONAL BRIEFINGS REQUIRED.—Such
20 section is further amended by adding at the end the fol-
21 lowing:

22 “(d) CONGRESSIONAL BRIEFINGS REQUIRED.—Not
23 later than 30 days after the submission of the first report
24 under subsection (c) on or after the date of the enactment
25 of the National Defense Authorization Act for Fiscal Year

1 2008, the Secretary of Defense and the Chairman of the
2 Joint Chiefs of Staff shall meet with the congressional de-
3 fense committees to brief such committees on the matters
4 described in paragraphs (7) and (8) of subsection (c) con-
5 tained in the report. Not later than 30 days after the sub-
6 mission of each subsequent report under subsection (c),
7 appropriate senior officials of the Department of Defense
8 shall meet with the congressional defense committees to
9 brief such committees on the matters described in para-
10 graphs (7) and (8) of subsection (c) contained in the re-
11 port.”.

12 **SEC. 1224. REPORT ON A COMPREHENSIVE SET OF PER-**
13 **FORMANCE INDICATORS AND MEASURES FOR**
14 **PROGRESS TOWARD MILITARY AND POLIT-**
15 **ICAL STABILITY IN IRAQ.**

16 (a) REPORT.—Section 9010(c) of the Department of
17 Defense Appropriations Act, 2007 (division A of Public
18 Law 109–289; 120 Stat. 1307) is amended—

19 (1) in paragraph (1)(B)—

20 (A) by striking “and trends” and inserting
21 “trends”; and

22 (B) by adding at the end before the period
23 the following: “, and progress made in the tran-
24 sition of responsibility for the security of Iraqi

1 provinces to the Iraqi Security Forces under the
2 Provincial Iraqi Control (PIC) process”; and
3 (2) in paragraph (2)—

4 (A) in subparagraph (C)(i), by adding at
5 the end before the semicolon the following: “,
6 without any support from Coalition Forces”;

7 (B) by redesignating subparagraphs (D)
8 through (J) as subparagraphs (F) through (L),
9 respectively;

10 (C) by inserting after subparagraph (C)
11 the following:

12 “(D) The amount and type of support pro-
13 vided by Coalition Forces to the Iraqi Security
14 Forces at each level of operational readiness.

15 “(E) The number of Iraqi battalions in the
16 Iraqi Army currently conducting operations and
17 the type of operations being conducted.”;

18 (D) by redesignating subparagraphs (H)
19 through (L) (as redesignated by subparagraph
20 (B) of this paragraph) as subparagraphs (I)
21 through (M), respectively;

22 (E) by inserting after subparagraph (G)
23 (as redesignated by subparagraph (B) of this
24 paragraph) the following:

1 “(H) The level and effectiveness of the
2 Iraqi Security Forces under the Ministry of De-
3 fense in provinces where the United States has
4 formally transferred responsibility for the secu-
5 rity of the province to the Iraqi Security Forces
6 under the Provincial Iraqi Control (PIC) proc-
7 ess.”; and

8 (F) in subparagraph (I) (as redesignated
9 by subparagraphs (B) and (D) of this para-
10 graph)—

11 (i) in clause (iv), by striking “and” at
12 the end;

13 (ii) in clause (v), by striking the pe-
14 riod at the end and inserting “; and”; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(vi) the level and effectiveness of the
18 Iraqi Police and other Ministry of Interior
19 Forces in provinces where the United
20 States has formally transferred responsi-
21 bility for the security of the province to the
22 Iraqi Security Forces under the Provincial
23 Iraqi Control (PIC) process.”.

24 (b) EFFECTIVE DATE.—The amendments made by
25 subsection (a) shall apply with respect to each report re-

1 quired to be submitted to Congress under section 9010
2 of the Department of Defense Appropriations Act, 2007
3 on or after the date of the enactment of this Act.

4 **SEC. 1225. REPORT ON SUPPORT FROM IRAN FOR ATTACKS**
5 **AGAINST COALITION FORCES IN IRAQ.**

6 (a) **REPORT REQUIRED.**—Not later than 60 days
7 after the date of the enactment of this Act, and every 180
8 days thereafter, the Secretary of Defense, in coordination
9 with the Director of National Intelligence, shall submit to
10 the congressional defense committees a report describing
11 and assessing in detail—

12 (1) any support or direction provided to anti-co-
13 alition forces in Iraq by the Government of Iran or
14 its agents;

15 (2) the strategy and ambitions in Iraq of the
16 Government of Iran; and

17 (3) any strategy or efforts by the United States
18 Government to counter the activities of agents of the
19 Government of Iran in Iraq.

20 (b) **FORM.**—Each report required under subsection
21 (a) shall be submitted in unclassified form, to the max-
22 imum extent practicable, but may contain a classified
23 annex, if necessary.

24 (c) **TERMINATION.**—The requirement to submit re-
25 ports under subsection (a) shall terminate on the date on

1 which the Secretary of Defense, in coordination with the
2 Director of National Intelligence, submits to the congres-
3 sional defense committees a certification in writing that
4 the Government of Iran has ceased to provide military
5 support to anti-coalition forces that conduct attacks
6 against coalition forces in Iraq.

7 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to authorize or otherwise speak to
9 the use of the Armed Forces against Iran.

10 **SEC. 1226. SENSE OF CONGRESS ON THE CONSEQUENCES**
11 **OF A FAILED STATE IN IRAQ.**

12 It is the sense of Congress that—

13 (1) a failed state in Iraq will have a negative
14 impact on the Middle East and United States inter-
15 ests in the region; and

16 (2) the United States should pursue strategies
17 to prevent a failed state in Iraq or to contain the
18 negative effects of a failed state in Iraq.

19 **SEC. 1227. SENSE OF CONGRESS ON FEDERALISM IN IRAQ.**

20 It is the sense of Congress that—

21 (1) policies supported by the United States in
22 the pursuit of a political settlement in Iraq should
23 be consistent with the wishes of the Iraqi people and
24 should not violate the sovereignty of the nation of
25 Iraq;

1 (2) if the Iraqi people support a political settle-
2 ment in Iraq based on the final provisions of the
3 Constitution of Iraq that create a federal system of
4 government and allow for the creation of federal re-
5 gions, consistent with the wishes of the Iraqi people
6 and their elected leaders, the United States should
7 actively support such a political settlement in Iraq;

8 (3) the active support referred to in paragraph
9 (2) should include—

10 (A) calling on the international community,
11 including countries with troops in Iraq, the per-
12 manent 5 members of the United Nations Secu-
13 rity Council, members of the Gulf Cooperation
14 Council, and Iraq's neighbors—

15 (i) to support an Iraqi political settle-
16 ment based on federalism;

17 (ii) to acknowledge the sovereignty
18 and territorial integrity of Iraq; and

19 (iii) to fulfill commitments for the ur-
20 gent delivery of significant assistance and
21 debt relief to Iraq, especially those made
22 by the member states of the Gulf Coopera-
23 tion Council; and

24 (B) convening a conference for Iraqis to
25 reach an agreement on a comprehensive polit-

1 ical settlement based on the federalism law ap-
2 proved by the Iraqi Parliament on October 11,
3 2006;

4 (4) the United States should urge the Govern-
5 ment of Iraq to quickly agree upon and implement
6 a law providing for the equitable distribution of oil
7 revenues, which is a critical component of a com-
8 prehensive political settlement in Iraq, including a
9 potential settlement based upon federalism;

10 (5) the steps described in paragraphs (2), (3),
11 and (4) could lead to an Iraq that is stable, not a
12 haven for terrorists, and not a threat to its neigh-
13 bors;

14 (6) in pursuit of a political settlement in Iraq,
15 whether based on federalism or not, the United
16 States should call on Iraq's neighbors to pledge not
17 to militarily intervene in or destabilize Iraq; and

18 (7) nothing in this Act should be construed in
19 any way to infringe on the sovereign rights of the
20 nation of Iraq or to imply that the United States
21 wishes to impose a political settlement in Iraq based
22 on federalism if such a political settlement is con-
23 trary to the wishes of the Iraqi people.

1 **SEC. 1228. TRACKING AND MONITORING OF DEFENSE ARTI-**
2 **CLES PROVIDED TO THE GOVERNMENT OF**
3 **IRAQ AND OTHER INDIVIDUALS AND GROUPS**
4 **IN IRAQ.**

5 (a) EXPORT AND TRANSFER CONTROL POLICY.—

6 The President shall implement a policy to control the ex-
7 port and transfer of defense articles into Iraq, including
8 implementation of the registration and monitoring system
9 under subsection (c).

10 (b) REQUIREMENT TO IMPLEMENT CONTROL SYS-

11 TEM.—No defense articles may be provided to the Govern-
12 ment of Iraq or any other group, organization, citizen, or
13 resident of Iraq until the President certifies to the speci-
14 fied congressional committees that a registration and mon-
15 itoring system meeting the requirements set forth in sub-
16 section (c) has been established.

17 (c) REGISTRATION AND MONITORING SYSTEM.—The

18 registration and monitoring system required under this
19 subsection shall include—

20 (1) the registration of the serial numbers of all
21 small arms to be provided to the Government of Iraq
22 or to other groups, organizations, citizens, or resi-
23 dents of Iraq;

24 (2) a program of end-use monitoring of all le-
25 thal defense articles provided to such entities or in-
26 dividuals; and

1 (3) a detailed record of the origin, shipping,
2 and distribution of all defense articles transferred
3 under the Iraq Security Forces Fund or any other
4 security assistance program to such entities or indi-
5 viduals.

6 (d) REVIEW; EXEMPTION.—

7 (1) REVIEW.—The President shall periodically
8 review the items subject to the registration and mon-
9 itoring requirements under subsection (c) to deter-
10 mine what items, if any, should no longer be subject
11 to such registration and monitoring requirements.
12 The President shall transmit to the specified con-
13 gressional committees the results of each review con-
14 ducted under this paragraph.

15 (2) EXEMPTION.—The President may exempt
16 an item from the registration and monitoring re-
17 quirements under subsection (c) beginning on the
18 date that is 30 days after the date on which the
19 President provides notice of the proposed exemption
20 to the specified congressional committees in accord-
21 ance with the procedures applicable to reprogram-
22 ming notifications under section 634A(a) of the For-
23 eign Assistance Act of 1961 (22 U.S.C. 2394–1(a)).
24 Such notice shall describe any controls to be im-
25 posed on such item under any other provision of law.

1 (e) DEFINITIONS.—In this section:

2 (1) DEFENSE ARTICLE.—The term “defense ar-
3 ticle” has the meaning given the term in section
4 644(d) of the Foreign Assistance Act of 1961 (22
5 U.S.C. 2403(d)).

6 (2) SMALL ARMS.—The term “small arms”
7 means—

8 (A) handguns;

9 (B) shoulder-fired weapons;

10 (C) light automatic weapons up to and in-
11 cluding .50 caliber machine guns;

12 (D) recoilless rifles up to and including
13 106mm;

14 (E) mortars up to and including 81mm;

15 (F) rocket launchers, man-portable;

16 (G) grenade launchers, rifle and shoulder
17 fired; and

18 (H) individually-operated weapons which
19 are portable or can be fired without special
20 mounts or firing devices and which have poten-
21 tial use in civil disturbances and are vulnerable
22 to theft.

23 (3) SPECIFIED CONGRESSIONAL COMMIT-
24 TEES.—The term “specified congressional commit-
25 tees” means—

1 (A) the Committee on Foreign Affairs and
2 the Committee on Armed Services of the House
3 of Representatives; and

4 (B) the Committee on Foreign Relations,
5 the Committee on Armed Services, and the
6 Committee on Banking, Housing, and Urban
7 Affairs of the Senate.

8 (f) EFFECTIVE DATE.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), this section shall take effect 180 days
11 after the date of the enactment of this Act.

12 (2) EXCEPTION.—The President may delay the
13 effective date of this section by an additional period
14 of up to 90 days if the President certifies in writing
15 to the specified congressional committees for such
16 additional period that it is in the vital interest of the
17 United States to do so and includes in the certifi-
18 cation a description of such vital interest.

19 **SEC. 1229. SPECIAL INSPECTOR GENERAL FOR AFGHANI-**
20 **STAN RECONSTRUCTION.**

21 (a) PURPOSES.—The purposes of this section are as
22 follows:

23 (1) To provide for the independent and objec-
24 tive conduct and supervision of audits and investiga-
25 tions relating to the programs and operations funded

1 with amounts appropriated or otherwise made avail-
2 able for the reconstruction of Afghanistan.

3 (2) To provide for the independent and objec-
4 tive leadership and coordination of, and rec-
5 ommendations on, policies designed to—

6 (A) promote economy efficiency, and effec-
7 tiveness in the administration of the programs
8 and operations described in paragraph (1); and

9 (B) prevent and detect waste, fraud, and
10 abuse in such programs and operations.

11 (3) To provide for an independent and objective
12 means of keeping the Secretary of State and the
13 Secretary of Defense fully and currently informed
14 about problems and deficiencies relating to the ad-
15 ministration of such programs and operations and
16 the necessity for and progress on corrective action.

17 (b) OFFICE OF INSPECTOR GENERAL.—There is
18 hereby established the Office of the Special Inspector Gen-
19 eral for Afghanistan Reconstruction to carry out the pur-
20 poses of subsection (a).

21 (c) APPOINTMENT OF INSPECTOR GENERAL; RE-
22 MOVAL.—

23 (1) APPOINTMENT.—The head of the Office of
24 the Special Inspector General for Afghanistan Re-
25 construction is the Special Inspector General for Af-

1 ghanistan Reconstruction (in this section referred to
2 as the “Inspector General”), who shall be appointed
3 by the President. The President may appoint the
4 Special Inspector General for Iraq Reconstruction to
5 serve as the Special Inspector General for Afghani-
6 stan Reconstruction, in which case the Special In-
7 spector General for Iraq Reconstruction shall have
8 all of the duties, responsibilities, and authorities set
9 forth under this section with respect to such ap-
10 pointed position for the purpose of carrying out this
11 section.

12 (2) QUALIFICATIONS.—The appointment of the
13 Inspector General shall be made solely on the basis
14 of integrity and demonstrated ability in accounting,
15 auditing, financial analysis, law, management anal-
16 ysis, public administration, or investigations.

17 (3) DEADLINE FOR APPOINTMENT.—The ap-
18 pointment of an individual as Inspector General
19 shall be made not later than 30 days after the date
20 of the enactment of this Act.

21 (4) COMPENSATION.—The annual rate of basic
22 pay of the Inspector General shall be the annual rate
23 of basic pay provided for positions at level IV of the
24 Executive Schedule under section 5315 of title 5,
25 United States Code.

1 (5) PROHIBITION ON POLITICAL ACTIVITIES.—
2 For purposes of section 7324 of title 5, United
3 States Code, the Inspector General shall not be con-
4 sidered an employee who determines policies to be
5 pursued by the United States in the nationwide ad-
6 ministration of Federal law.

7 (6) REMOVAL.—The Inspector General shall be
8 removable from office in accordance with the provi-
9 sions of section 3(b) of the Inspector General Act of
10 1978 (5 U.S.C. App.).

11 (d) ASSISTANT INSPECTORS GENERAL.—The Inspec-
12 tor General shall, in accordance with applicable laws and
13 regulations governing the civil service—

14 (1) appoint an Assistant Inspector General for
15 Auditing who shall have the responsibility for super-
16 vising the performance of auditing activities relating
17 to programs and operations supported by amounts
18 appropriated or otherwise made available for the re-
19 construction of Afghanistan; and

20 (2) appoint an Assistant Inspector General for
21 Investigations who shall have the responsibility for
22 supervising the performance of investigative activi-
23 ties relating to such programs and operations.

24 (e) SUPERVISION.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the Inspector General shall report directly
3 to, and be under the general supervision of, the Sec-
4 retary of State and the Secretary of Defense.

5 (2) INDEPENDENCE TO CONDUCT INVESTIGA-
6 TIONS AND AUDITS.—No officer of the Department
7 of Defense, the Department of State, or the United
8 States Agency for International Development shall
9 prevent or prohibit the Inspector General from initi-
10 ating, carrying out, or completing any audit or in-
11 vestigation related to amounts appropriated or oth-
12 erwise made available for the reconstruction of Af-
13 ghanistan or from issuing any subpoena during the
14 course of any such audit or investigation.

15 (f) DUTIES.—

16 (1) OVERSIGHT OF AFGHANISTAN RECON-
17 STRUCTION.—It shall be the duty of the Inspector
18 General to conduct, supervise, and coordinate audits
19 and investigations of the treatment, handling, and
20 expenditure of amounts appropriated or otherwise
21 made available for the reconstruction of Afghani-
22 stan, and of the programs, operations, and contracts
23 carried out utilizing such funds, including—

24 (A) the oversight and accounting of the ob-
25 ligation and expenditure of such funds;

1 (B) the monitoring and review of recon-
2 struction activities funded by such funds;

3 (C) the monitoring and review of contracts
4 funded by such funds;

5 (D) the monitoring and review of the
6 transfer of such funds and associated informa-
7 tion between and among departments, agencies,
8 and entities of the United States and private
9 and nongovernmental entities;

10 (E) the maintenance of records on the use
11 of such funds to facilitate future audits and in-
12 vestigations of the use of such fund;

13 (F) the monitoring and review of the effec-
14 tiveness of United States coordination with the
15 Government of Afghanistan and other donor
16 countries in the implementation of the Afghani-
17 stan Compact and the Afghanistan National
18 Development Strategy; and

19 (G) the investigation of overpayments such
20 as duplicate payments or duplicate billing and
21 any potential unethical or illegal actions of Fed-
22 eral employees, contractors, or affiliated entities
23 and the referral of such reports, as necessary,
24 to the Department of Justice to ensure further

1 investigations, prosecutions, recovery of further
2 funds, or other remedies.

3 (2) OTHER DUTIES RELATED TO OVERSIGHT.—

4 The Inspector General shall establish, maintain, and
5 oversee such systems, procedures, and controls as
6 the Inspector General considers appropriate to dis-
7 charge the duties under paragraph (1).

8 (3) DUTIES AND RESPONSIBILITIES UNDER IN-

9 SPECTOR GENERAL ACT OF 1978.—In addition to the
10 duties specified in paragraphs (1) and (2), the In-
11 spector General shall also have the duties and re-
12 sponsibilities of inspectors general under the Inspec-
13 tor General Act of 1978.

14 (4) COORDINATION OF EFFORTS.—In carrying
15 out the duties, responsibilities, and authorities of the
16 Inspector General under this section, the Inspector
17 General shall coordinate with, and receive the co-
18 operation of each of the following:

19 (A) The Inspector General of the Depart-
20 ment of Defense.

21 (B) The Inspector General of the Depart-
22 ment of State.

23 (C) The Inspector General of the United
24 States Agency for International Development.

25 (g) POWERS AND AUTHORITIES.—

1 (1) AUTHORITIES UNDER INSPECTOR GENERAL
2 ACT OF 1978.—In carrying out the duties specified in
3 subsection (f), the Inspector General shall have the
4 authorities provided in section 6 of the Inspector
5 General Act of 1978, including the authorities under
6 subsection (e) of such section.

7 (2) AUDIT STANDARDS.—The Inspector General
8 shall carry out the duties specified in subsection
9 (f)(1) in accordance with section 4(b)(1) of the In-
10 spector General Act of 1978.

11 (h) PERSONNEL, FACILITIES, AND OTHER RE-
12 SOURCES.—

13 (1) PERSONNEL.—The Inspector General may
14 select, appoint, and employ such officers and em-
15 ployees as may be necessary for carrying out the du-
16 ties of the Inspector General, subject to the provi-
17 sions of title 5, United States Code, governing ap-
18 pointments in the competitive service, and the provi-
19 sions of chapter 51 and subchapter III of chapter 53
20 of such title, relating to classification and General
21 Schedule pay rates.

22 (2) EMPLOYMENT OF EXPERTS AND CONSULT-
23 ANTS.—The Inspector General may obtain services
24 as authorized by section 3109 of title 5, United
25 States Code, at daily rates not to exceed the equiva-

1 lent rate prescribed for grade GS-15 of the General
2 Schedule by section 5332 of such title.

3 (3) CONTRACTING AUTHORITY.—To the extent
4 and in such amounts as may be provided in advance
5 by appropriations Acts, the Inspector General may
6 enter into contracts and other arrangements for au-
7 dits, studies, analyses, and other services with public
8 agencies and with private persons, and make such
9 payments as may be necessary to carry out the du-
10 ties of the Inspector General.

11 (4) RESOURCES.—The Secretary of State or the
12 Secretary of Defense, as appropriate, shall provide
13 the Inspector General with appropriate and adequate
14 office space at appropriate locations of the Depart-
15 ment of State or the Department of Defense, as the
16 case may be, in Afghanistan, together with such
17 equipment, office supplies, and communications fa-
18 cilities and services as may be necessary for the op-
19 eration of such offices, and shall provide necessary
20 maintenance services for such offices and the equip-
21 ment and facilities located therein.

22 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

23 (A) IN GENERAL.—Upon request of the In-
24 specter General for information or assistance
25 from any department, agency, or other entity of

1 the Federal Government, the head of such enti-
2 ty shall, insofar as is practicable and not in
3 contravention of any existing law, furnish such
4 information or assistance to the Inspector Gen-
5 eral, or an authorized designee.

6 (B) REPORTING OF REFUSED ASSIST-
7 ANCE.—Whenever information or assistance re-
8 quested by the Inspector General is, in the
9 judgment of the Inspector General, unreason-
10 ably refused or not provided, the Inspector Gen-
11 eral shall report the circumstances to the Sec-
12 retary of State or the Secretary of Defense, as
13 appropriate, and to the appropriate congress-
14 sional committees without delay.

15 (6) USE OF PERSONNEL, FACILITIES, AND
16 OTHER RESOURCES OF THE OFFICE OF THE SPE-
17 CIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUC-
18 TION.—Upon the request of the Inspector General,
19 the Special Inspector General for Iraq Reconstruc-
20 tion—

21 (A) may detail, on a reimbursable basis,
22 any of the personnel of the Office of the Special
23 Inspector General for Iraq Reconstruction to
24 the Office of the Inspector General for Afghani-

1 stan Reconstruction for the purpose of carrying
2 out this section; and

3 (B) may provide, on a reimbursable basis,
4 any of the facilities or other resources of the
5 Office of the Special Inspector General for Iraq
6 Reconstruction to the Office of the Inspector
7 General for Afghanistan Reconstruction for the
8 purpose of carrying out this section.

9 (i) REPORTS.—

10 (1) QUARTERLY REPORTS.—Not later than 30
11 days after the end of each fiscal-year quarter, the
12 Inspector General shall submit to the appropriate
13 congressional committees a report summarizing, for
14 the period of that quarter and, to the extent pos-
15 sible, the period from the end of such quarter to the
16 time of the submission of the report, the activities
17 during such period of the Inspector General and the
18 activities under programs and operations funded
19 with amounts appropriated or otherwise made avail-
20 able for the reconstruction of Afghanistan. Each re-
21 port shall include, for the period covered by such re-
22 port, a detailed statement of all obligations, expendi-
23 tures, and revenues associated with reconstruction
24 and rehabilitation activities in Afghanistan, includ-
25 ing the following:

1 (A) Obligations and expenditures of appro-
2 priated funds.

3 (B) A project-by-project and program-by-
4 program accounting of the costs incurred to
5 date for the reconstruction of Afghanistan, to-
6 gether with the estimate of the Department of
7 Defense, the Department of State, and the
8 United State Agency for International Develop-
9 ment, as applicable, of the costs to complete
10 each project and each program.

11 (C) Revenues attributable to or consisting
12 of funds provided by foreign nations or inter-
13 national organizations to programs and projects
14 funded by any department or agency of the
15 United States Government, and any obligations
16 or expenditures of such revenues.

17 (D) Revenues attributable to or consisting
18 of foreign assets seized or frozen that con-
19 tribute to programs and projects funded by any
20 department or agency of the United States Gov-
21 ernment, and any obligations or expenditures of
22 such revenues.

23 (E) Operating expenses of agencies or enti-
24 ties receiving amounts appropriated or other-

1 wise made available for the reconstruction of
2 Afghanistan.

3 (F) In the case of any contract, grant,
4 agreement, or other funding mechanism de-
5 scribed in paragraph (2)—

6 (i) the amount of the contract, grant,
7 agreement, or other funding mechanism;

8 (ii) a brief discussion of the scope of
9 the contract, grant, agreement, or other
10 funding mechanism;

11 (iii) a discussion of how the depart-
12 ment or agency of the United States Gov-
13 ernment involved in the contract, grant,
14 agreement, or other funding mechanism
15 identified, and solicited offers from, poten-
16 tial individuals or entities to perform the
17 contract, grant, agreement, or other fund-
18 ing mechanism, together with a list of the
19 potential individuals or entities that were
20 issued solicitations for the offers; and

21 (iv) the justification and approval doc-
22 uments on which was based the determina-
23 tion to use procedures other than proce-
24 dures that provide for full and open com-
25 petition.

1 (2) COVERED CONTRACTS, GRANTS, AGREE-
2 MENTS, AND FUNDING MECHANISMS.—A contract,
3 grant, agreement, or other funding mechanism de-
4 scribed in this paragraph is any major contract,
5 grant, agreement, or other funding mechanism that
6 is entered into by any department or agency of the
7 United States Government that involves the use of
8 amounts appropriated or otherwise made available
9 for the reconstruction of Afghanistan with any pub-
10 lic or private sector entity for any of the following
11 purposes:

12 (A) To build or rebuild physical infrastruc-
13 ture of Afghanistan.

14 (B) To establish or reestablish a political
15 or societal institution of Afghanistan.

16 (C) To provide products or services to the
17 people of Afghanistan.

18 (3) PUBLIC AVAILABILITY.—The Inspector
19 General shall publish on a publically-available Inter-
20 net website each report under paragraph (1) of this
21 subsection in English and other languages that the
22 Inspector General determines are widely used and
23 understood in Afghanistan.

24 (4) FORM.—Each report required under this
25 subsection shall be submitted in unclassified form,

1 but may include a classified annex if the Inspector
2 General considers it necessary.

3 (5) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to authorize the public
5 disclosure of information that is—

6 (A) specifically prohibited from disclosure
7 by any other provision of law;

8 (B) specifically required by Executive order
9 to be protected from disclosure in the interest
10 of national defense or national security or in
11 the conduct of foreign affairs; or

12 (C) a part of an ongoing criminal inves-
13 tigation.

14 (j) REPORT COORDINATION.—

15 (1) SUBMISSION TO SECRETARIES OF STATE
16 AND DEFENSE.—The Inspector General shall also
17 submit each report required under subsection (i) to
18 the Secretary of State and the Secretary of Defense.

19 (2) SUBMISSION TO CONGRESS.—Not later than
20 30 days after receipt of a report under paragraph
21 (1), the Secretary of State or the Secretary of De-
22 fense may submit to the appropriate congressional
23 committees any comments on the matters covered by
24 the report as the Secretary of State or the Secretary
25 of Defense, as the case may be, considers appro-

1 appropriate. Any comments on the matters covered by the
2 report shall be submitted in unclassified form, but
3 may include a classified annex if the Secretary of
4 State or the Secretary of Defense, as the case may
5 be, considers it necessary.

6 (k) TRANSPARENCY.—

7 (1) REPORT.—Not later than 60 days after
8 submission to the appropriate congressional commit-
9 tees of a report under subsection (i), the Secretary
10 of State and the Secretary of Defense shall jointly
11 make copies of the report available to the public
12 upon request, and at a reasonable cost.

13 (2) COMMENTS ON MATTERS COVERED BY RE-
14 PORT.—Not later than 60 days after submission to
15 the appropriate congressional committees under sub-
16 section (j)(2) of comments on a report under sub-
17 section (i), the Secretary of State and the Secretary
18 of Defense shall jointly make copies of the comments
19 available to the public upon request, and at a rea-
20 sonable cost.

21 (l) WAIVER.—

22 (1) AUTHORITY.—The President may waive the
23 requirement under paragraph (1) or (2) of sub-
24 section (k) with respect to availability to the public
25 of any element in a report under subsection (i), or

1 any comment under subsection (j)(2), if the Presi-
2 dent determines that the waiver is justified for na-
3 tional security reasons.

4 (2) NOTICE OF WAIVER.—The President shall
5 publish a notice of each waiver made under this sub-
6 section in the Federal Register no later than the
7 date on which a report required under subsection (i),
8 or any comment under subsection (j)(2), is sub-
9 mitted to the appropriate congressional committees.
10 The report and comments shall specify whether
11 waivers under this subsection were made and with
12 respect to which elements in the report or which
13 comments, as appropriate.

14 (m) DEFINITIONS.—In this section:

15 (1) AMOUNTS APPROPRIATED OR OTHERWISE
16 MADE AVAILABLE FOR THE RECONSTRUCTION OF
17 AFGHANISTAN.—The term “amounts appropriated
18 or otherwise made available for the reconstruction of
19 Afghanistan” means—

20 (A) amounts appropriated or otherwise
21 made available for any fiscal year—

22 (i) to the Afghanistan Security Forces
23 Fund; or

24 (ii) to the program to assist the peo-
25 ple of Afghanistan established under sub-

1 section (a)(2) of section 1202 of the Na-
2 tional Defense Authorization for Fiscal
3 Year 2006 (Public Law 109–163; 119
4 Stat. 3455–3456); and

5 (B) amounts appropriated or otherwise
6 made available for any fiscal year for the recon-
7 struction of Afghanistan under—

8 (i) the Economic Support Fund;

9 (ii) the International Narcotics Con-
10 trol and Law Enforcement account; or

11 (iii) any other provision of law.

12 (2) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committees on Appropriations,
16 Armed Services, and Foreign Relations of the
17 Senate; and

18 (B) the Committees on Appropriations,
19 Armed Services, and Foreign Affairs of the
20 House of Representatives.

21 (n) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There is authorized to be
23 appropriated \$20,000,000 for fiscal year 2008 to
24 carry out this section.

1 (2) OFFSET.—The amount authorized to be ap-
2 propriated by section 1513 for the Afghanistan Se-
3 curity Forces Fund is hereby reduced by
4 \$20,000,000.

5 (o) TERMINATION.—

6 (1) IN GENERAL.—The Office of the Special In-
7 spector General for Afghanistan Reconstruction shall
8 terminate 180 days after the date on which amounts
9 appropriated or otherwise made available for the re-
10 construction of Afghanistan that are unexpended are
11 less than \$250,000,000.

12 (2) FINAL REPORT.—The Inspector General
13 shall, prior to the termination of the Office of the
14 Special Inspector General for Afghanistan Recon-
15 struction under paragraph (1), prepare and submit
16 to the appropriate congressional committees a final
17 forensic audit report on programs and operations
18 funded with amounts appropriated or otherwise
19 made available for the reconstruction of Afghani-
20 stan.

21 **SEC. 1230. REPORT ON PROGRESS TOWARD SECURITY AND**
22 **STABILITY IN AFGHANISTAN.**

23 (a) REPORT REQUIRED.—Not later than 90 days
24 after the date of the enactment of this Act, and every 180
25 days thereafter through the end of fiscal year 2010, the

1 President, acting through the Secretary of Defense, shall
2 submit to the appropriate congressional committees a re-
3 port on progress toward security and stability in Afghani-
4 stan.

5 (b) COORDINATION.—The report required under sub-
6 section (a) shall be prepared in coordination with the Sec-
7 retary of State, the Director of National Intelligence, the
8 Attorney General, the Administrator of the Drug Enforce-
9 ment Administration, the Administrator of the United
10 States Agency for International Development, the Sec-
11 retary of Agriculture, and the head of any other depart-
12 ment or agency of the Government of the United States
13 involved with activities relating to security and stability
14 in Afghanistan.

15 (c) MATTERS TO BE INCLUDED: STRATEGIC DIREC-
16 TION OF UNITED STATES ACTIVITIES RELATING TO SE-
17 CURITY AND STABILITY IN AFGHANISTAN.—The report
18 required under subsection (a) shall include a description
19 of a comprehensive strategy of the United States for secu-
20 rity and stability in Afghanistan. The description of such
21 strategy shall consist of a general overview and a separate
22 detailed section for each of the following:

23 (1) NORTH ATLANTIC TREATY ORGANIZATION
24 INTERNATIONAL SECURITY ASSISTANCE FORCE.—A
25 description of the following:

1 (A) Efforts of the United States to work
2 with countries participating in the North Atlan-
3 tic Treaty Organization (NATO) International
4 Security Assistance Force (ISAF) in Afghani-
5 stan (hereafter in this section referred to as
6 “NATO ISAF countries”).

7 (B) Any actions by the United States to
8 achieve the following goals relating to strength-
9 ening the NATO ISAF, and the results of such
10 actions:

11 (i) Encourage NATO ISAF countries
12 to fulfill commitments to the NATO ISAF
13 mission in Afghanistan, and ensure ade-
14 quate contributions to efforts to build the
15 capacity of the Afghanistan National Secu-
16 rity Forces (ANSF), counter-narcotics ef-
17 forts, and reconstruction and development
18 activities in Afghanistan.

19 (ii) Remove national caveats on the
20 use of forces deployed as part of the
21 NATO ISAF.

22 (iii) Reduce the number of civilian
23 casualties resulting from military oper-
24 ations of NATO ISAF countries and miti-

1 gate the impact of such casualties on the
2 Afghan people.

3 (2) AFGHANISTAN NATIONAL SECURITY
4 FORCES.—A description of the following:

5 (A) A comprehensive and effective long-
6 term strategy and budget, with defined objec-
7 tives, for activities relating to strengthening the
8 resources, capabilities, and effectiveness of the
9 Afghanistan National Army (ANA) and the Af-
10 ghanistan National Police (ANP) of the ANSF,
11 with the goal of ensuring that a strong and
12 fully-capable ANSF is able to independently
13 and effectively conduct operations and maintain
14 security and stability in Afghanistan.

15 (B) Any actions by the United States to
16 achieve the following goals relating to building
17 the capacity of the ANSF, and the results of
18 such actions:

19 (i) Improve coordination with all rel-
20 evant departments and agencies of the
21 Government of the United States, as well
22 as NATO ISAF countries and other inter-
23 national partners.

1 (ii) Improve ANSF recruitment and
2 retention, including through improved vet-
3 ting and salaries for the ANSF.

4 (iii) Increase and improve ANSF
5 training and mentoring.

6 (iv) Strengthen the partnership be-
7 tween the Government of the United
8 States and the Government of Afghani-
9 stan.

10 (3) PROVINCIAL RECONSTRUCTION TEAMS AND
11 OTHER RECONSTRUCTION AND DEVELOPMENT AC-
12 TIVITIES.—A description of the following:

13 (A) A comprehensive and effective long-
14 term strategy and budget, with defined objec-
15 tives, for reconstruction and development in Af-
16 ghanistan, including a long-term strategy with
17 a mission and objectives for each United States-
18 led Provincial Reconstruction Team (PRT) in
19 Afghanistan.

20 (B) Any actions by the United States to
21 achieve the following goals with respect to re-
22 construction and development in Afghanistan,
23 and the results of such actions:

24 (i) Improve coordination with all rel-
25 evant departments and agencies of the

1 Government of the United States, as well
2 as NATO ISAF countries and other inter-
3 national partners.

4 (ii) Clarify the chain of command, and
5 operations plans for United States-led
6 PRTs that are appropriate to meet the
7 needs of the relevant local communities.

8 (iii) Promote coordination among
9 PRTs.

10 (iv) Ensure that each PRT is ade-
11 quately staffed, particularly with civilian
12 specialists, and that such staff receive ap-
13 propriate training.

14 (v) Expand the ability of the Afghan
15 people to assume greater responsibility for
16 their own reconstruction and development
17 projects.

18 (vi) Strengthen the partnership be-
19 tween the Government of the United
20 States and Government of Afghanistan.

21 (vii) Ensure proper reconstruction and
22 development oversight activities, including
23 implementation, where appropriate, of rec-
24 ommendations of any United States in-
25 spectors general, including the Special In-

1 spector General for Afghanistan Recon-
2 struction appointed pursuant to section
3 1229.

4 (4) COUNTER-NARCOTICS ACTIVITIES.—A de-
5 scription of the following:

6 (A) A comprehensive and effective long-
7 term strategy and budget, with defined objec-
8 tives, for the activities of the Department of
9 Defense relating to counter-narcotics efforts in
10 Afghanistan, including—

11 (i) roles and missions of the Depart-
12 ment of Defense within the overall counter-
13 narcotics strategy for Afghanistan of the
14 Government of the United States, includ-
15 ing a statement of priorities;

16 (ii) a detailed, comprehensive, and ef-
17 fective strategy with defined one-year,
18 three-year, and five-year objectives and a
19 description of the accompanying allocation
20 of resources of the Department of Defense
21 to accomplish such objectives;

22 (iii) in furtherance of the strategy de-
23 scribed in clause (i), actions that the De-
24 partment of Defense is taking and has
25 planned to take to—

1 (I) improve coordination within
2 the Department of Defense and with
3 all relevant departments and agencies
4 of the Government of the United
5 States;

6 (II) strengthen significantly the
7 Afghanistan National Counter-nar-
8 cotics Police;

9 (III) build the capacity of local
10 and provincial governments of Af-
11 ghanistan and the national Govern-
12 ment of Afghanistan to assume great-
13 er responsibility for counter-narcotics-
14 related activities, including interdic-
15 tion; and

16 (IV) improve counter-narcotics-
17 related intelligence capabilities and
18 tactical use of such capabilities by the
19 Department of Defense and other ap-
20 propriate departments and agencies of
21 the Government of the United States;
22 and

23 (iv) the impact, if any, including the
24 disadvantages and advantages, if any, on
25 the primary counter-terrorism mission of

1 the United States military of providing en-
2 hanced logistical support to departments
3 and agencies of the Government of the
4 United States and counter-narcotics part-
5 ners of the United States in their interdiction
6 efforts, including apprehending or
7 eliminating major drug traffickers in Af-
8 ghanistan.

9 (B) The counter-narcotics roles and mis-
10 sions assumed by the local and provincial gov-
11 ernments of Afghanistan and the national Gov-
12 ernment of Afghanistan, appropriate depart-
13 ments and agencies of the Government of the
14 United States (other than the Department of
15 Defense), the NATO ISAF, and the govern-
16 ments of other countries.

17 (C) The plan and efforts to coordinate the
18 counter-narcotics strategy and activities of the
19 Department of Defense with the counter-nar-
20 cotics strategy and activities of the Government
21 of Afghanistan, the NATO-led interdiction and
22 security forces, other appropriate countries, and
23 other counter-narcotics partners of the United
24 States, and the results of such efforts.

1 (D) The progress made by the govern-
2 ments, organizations, and entities specified in
3 subparagraph (B) in executing designated roles
4 and missions, and in coordinating and imple-
5 menting counternarcotics plans and activities,
6 and based on the results of this progress wheth-
7 er, and to what extent, roles and missions for
8 the Department of Defense should be altered in
9 the future, or should remain unaltered.

10 (5) PUBLIC CORRUPTION AND RULE OF LAW.—

11 A description of any actions, and the results of such
12 actions, to help the Government of Afghanistan fight
13 public corruption and strengthen governance and the
14 rule of law at the local, provincial, and national lev-
15 els.

16 (6) REGIONAL CONSIDERATIONS.—A descrip-

17 tion of any actions and the results of such actions
18 to increase cooperation with countries geographically
19 located around Afghanistan's border, with a par-
20 ticular focus on improving security and stability in
21 the Afghanistan-Pakistan border areas.

22 (d) MATTERS TO BE INCLUDED: PERFORMANCE IN-
23 DICATORS AND MEASURES OF PROGRESS TOWARD SUS-
24 TAINABLE LONG-TERM SECURITY AND STABILITY IN AF-
25 GHANISTAN.—

1 (1) IN GENERAL.—The report required under
2 subsection (a) shall set forth a comprehensive set of
3 performance indicators and measures of progress to-
4 ward sustainable long-term security and stability in
5 Afghanistan, as specified in paragraph (2), and shall
6 include performance standards and progress goals,
7 together with a notional timetable for achieving such
8 goals.

9 (2) PERFORMANCE INDICATORS AND MEASURES
10 OF PROGRESS SPECIFIED.—The performance indica-
11 tors and measures of progress specified in this para-
12 graph shall include, at a minimum, the following:

13 (A) With respect to the NATO ISAF, an
14 assessment of unfulfilled NATO ISAF mission
15 requirements and contributions from individual
16 NATO ISAF countries, including levels of
17 troops and equipment, the effect of contribu-
18 tions on operations, and unfulfilled commit-
19 ments.

20 (B) An assessment of military operations
21 of the NATO ISAF, including of NATO ISAF
22 countries, and an assessment of separate mili-
23 tary operations by United States forces. Such
24 assessments shall include—

1 (i) indicators of a stable security envi-
2 ronment in Afghanistan, such as number
3 of engagements per day, and trends relat-
4 ing to the numbers and types of hostile en-
5 counters; and

6 (ii) the effects of national caveats that
7 limit operations, geographic location of op-
8 erations, and estimated number of civilian
9 casualties.

10 (C) For the Afghanistan National Army
11 (ANA), and separately for the Afghanistan Na-
12 tional Police (ANP), of the Afghanistan Na-
13 tional Security Forces (ANSF) an assessment
14 of the following:

15 (i) Recruitment and retention num-
16 bers, rates of absenteeism, vetting proce-
17 dures, and salary scale.

18 (ii) Numbers trained, numbers receiv-
19 ing mentoring, the type of training and
20 mentoring, and number of trainers, men-
21 tors, and advisers needed to support the
22 ANA and ANP and associated ministries.

23 (iii) Type of equipment used.

24 (iv) Operational readiness status of
25 ANSF units, including the type, number,

1 size and organizational structure of ANA
2 and ANP units that are—

3 (I) capable of conducting oper-
4 ations independently;

5 (II) capable of conducting oper-
6 ations with the support of the United
7 States, NATO ISAF forces, or other
8 coalition forces; or

9 (III) not ready to conduct oper-
10 ations.

11 (v) Effectiveness of ANA and ANP
12 officers and the ANA and ANP chain of
13 command.

14 (vi) Extent to which insurgents have
15 infiltrated the ANA and ANP.

16 (vii) Estimated number and capability
17 level of the ANA and ANP needed to per-
18 form duties now undertaken by NATO
19 ISAF countries, separate United States
20 forces and other coalition forces, including
21 defending the borders of Afghanistan and
22 providing adequate levels of law and order
23 throughout Afghanistan.

24 (D) An assessment of the estimated
25 strength of the insurgency in Afghanistan and

1 the extent to which it is composed of non-Af-
2 ghan fighters and utilizing weapons or weapons-
3 related materials from countries other than Af-
4 ghanistan.

5 (E) A description of all terrorist and insur-
6 gent groups operating in Afghanistan, including
7 the number, size, equipment strength, military
8 effectiveness, sources of support, legal status,
9 and any efforts to disarm or reintegrate each
10 such group.

11 (F) An assessment of security and sta-
12 bility, including terrorist and insurgent activity,
13 in Afghanistan-Pakistan border areas and in
14 Pakistan's Federally Administered Tribal
15 Areas.

16 (G) An assessment of United States mili-
17 tary requirements, including planned force rota-
18 tions, for the twelve-month period following the
19 date of the report required under subsection
20 (a).

21 (H) For reconstruction and development,
22 an assessment of the following:

23 (i) The location, funding (including
24 the sources of funding), staffing require-
25 ments, current staffing levels, and activi-

1 ties of each United States-led Provincial
2 Reconstruction Team.

3 (ii) Key indicators of economic activ-
4 ity that should be considered the most im-
5 portant for determining the prospects of
6 stability in Afghanistan, including—

7 (I) the indicators set forth in the
8 Afghanistan Compact, which consist
9 of roads, education, health, agri-
10 culture and electricity; and

11 (II) unemployment and poverty
12 levels.

13 (I) For counter-narcotics efforts, an as-
14 sessment of the activities of the Department of
15 Defense in Afghanistan, as described in sub-
16 section (c)(4), and the effectiveness of such ac-
17 tivities.

18 (J) Key measures of political stability re-
19 lating to both central and local Afghan govern-
20 ance.

21 (K) For public corruption and rule of law,
22 an assessment of anti-corruption and law en-
23 forcement activities at the local, provincial, and
24 national levels and the effectiveness of such ac-
25 tivities.

1 (e) FORM.—The report required under subsection (a)
2 shall be submitted in unclassified form, but may include
3 a classified annex, if necessary.

4 (f) CONGRESSIONAL BRIEFINGS.—The Secretary of
5 Defense shall supplement the report required under sub-
6 section (a) with regular briefings to the appropriate con-
7 gressional committees on the subject matter of the report.

8 (g) APPROPRIATE CONGRESSIONAL COMMITTEES
9 DEFINED.—In this section, the term “appropriate con-
10 gressional committees” means—

11 (1) the Committee on Armed Services, the
12 Committee on Appropriations, and the Committee on
13 Foreign Affairs of the House of Representatives;
14 and

15 (2) the Committee on Armed Services, the
16 Committee on Appropriations, and the Committee on
17 Foreign Relations of the Senate.

18 **SEC. 1231. UNITED STATES PLAN FOR SUSTAINING THE AF-**
19 **GHANISTAN NATIONAL SECURITY FORCES.**

20 (a) PLAN REQUIRED.—Not later than 90 days after
21 the date of the enactment of this Act, and annually there-
22 after through the end of fiscal year 2010, the Secretary
23 of Defense shall submit to the appropriate congressional
24 committees a report on a long-term detailed plan for sus-
25 taining the Afghanistan National Army (ANA) and the

1 Afghanistan National Police (ANP) of the Afghanistan
2 National Security Forces (ANSF), with the objective of
3 ensuring that a strong and fully-capable ANSF will be
4 able to independently and effectively conduct operations
5 and maintain long-term security and stability in Afghani-
6 stan.

7 (b) COORDINATION.—The report required under sub-
8 section (a) shall be prepared in coordination with the Sec-
9 retary of State.

10 (c) MATTERS TO BE INCLUDED.—The report re-
11 quired under subsection (a) shall include a description of
12 the following matters relating to the plan for sustaining
13 the ANSF:

14 (1) A comprehensive and effective long-term
15 strategy and budget, with defined objectives.

16 (2) A mechanism for tracking funding, equip-
17 ment, training, and services provided for the ANSF
18 by the United States, countries participating in the
19 North Atlantic Treaty Organization (NATO) Inter-
20 national Security Assistance Force (ISAF) in Af-
21 ghanistan (hereafter in this section referred to as
22 “NATO ISAF countries”), and other coalition forces
23 that are not part of the NATO ISAF.

1 (3) Any actions to assist the Government of Af-
2 ghanistan achieve the following goals, and the re-
3 sults of such actions:

4 (A) Build and sustain effective Afghan se-
5 curity institutions with fully-capable leadership
6 and staff, including a reformed Ministry of In-
7 terior, a fully-established Ministry of Defense,
8 and logistics, intelligence, medical, and recruit-
9 ing units (hereafter in this section referred to
10 as “ANSF-sustaining institutions”).

11 (B) Train and equip fully-capable ANSF
12 that are capable of conducting operations inde-
13 pendently and in sufficient numbers.

14 (C) Establish strong ANSF-readiness as-
15 sessment tools and metrics.

16 (D) Build and sustain strong, professional
17 ANSF officers at the junior-, mid-, and senior-
18 levels.

19 (E) Develop strong ANSF communication
20 and control between central command and re-
21 gions, provinces, and districts.

22 (F) Establish a robust mentoring and ad-
23 vising program, and a strong professional mili-
24 tary training and education program, for all
25 ANSF officials.

1 (G) Establish effective merit-based salary,
2 rank, promotion, and incentive structures for
3 the ANSF.

4 (H) Develop mechanisms for incorporating
5 lessons learned and best practices into ANSF
6 operations.

7 (I) Establish an ANSF personnel account-
8 ability system with effective internal discipline
9 procedures and mechanisms, and a system for
10 addressing ANSF personnel complaints.

11 (J) Ensure effective ANSF oversight
12 mechanisms, including a strong record-keeping
13 system to track ANSF equipment and per-
14 sonnel.

15 (4) Coordination with all relevant departments
16 and agencies of the Government of the United
17 States, as well as NATO ISAF countries and other
18 international partners, including on—

19 (A) funding;

20 (B) reform and establishment of ANSF-
21 sustaining institutions; and

22 (C) efforts to ensure that progress on sus-
23 taining the ANSF is reinforced with progress in
24 other pillars of the Afghan security sector, par-
25 ticularly progress on building an effective judi-

1 ciary, curbing production and trafficking of il-
2 licit narcotics, and demobilizing, disarming, and
3 reintegrating militia fighters.

4 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means—

7 (1) the Committee on Armed Services, the
8 Committee on Appropriations, and the Committee on
9 Foreign Affairs of the House of Representatives;
10 and

11 (2) the Committee on Armed Services, the
12 Committee on Appropriations, and the Committee on
13 Foreign Relations of the Senate.

14 **SEC. 1232. REPORT ON ENHANCING SECURITY AND STA-**
15 **BILITY IN THE REGION ALONG THE BORDER**
16 **OF AFGHANISTAN AND PAKISTAN.**

17 (a) REPORT REQUIRED.—

18 (1) IN GENERAL.—Not later than March 31,
19 2008, the Secretary of Defense, in consultation with
20 the Secretary of State, shall submit to the appro-
21 priate congressional committees a report on enhanc-
22 ing security and stability in the region along the bor-
23 der of Afghanistan and Pakistan.

1 (2) MATTERS TO BE INCLUDED.—The report
2 required under paragraph (1) shall include the fol-
3 lowing:

4 (A) A detailed description of the efforts by
5 the Government of Pakistan to achieve the fol-
6 lowing objectives:

7 (i) Eliminate safe havens for Taliban,
8 Al Qaeda, and other violent extremist
9 forces on the national territory of Paki-
10 stan.

11 (ii) Prevent the movement of such
12 forces across the border of Pakistan into
13 Afghanistan to engage in insurgent or ter-
14 rorist activities.

15 (B) An assessment of the Secretary of De-
16 fense as to whether Pakistan is making sub-
17 stantial and sustained efforts to achieve the ob-
18 jectives specified in subparagraph (A).

19 (3) FORM.—The report required under para-
20 graph (1) shall be submitted in unclassified form,
21 but may include a classified annex.

22 (4) LIMITATION.—

23 (A) IN GENERAL.—If the Secretary of De-
24 fense does not submit the report required under
25 paragraph (1) by March 31, 2008, then after

1 such date the Government of Pakistan may not
2 be reimbursed under the authority of any provi-
3 sion of law described in subparagraph (B) for
4 logistical, military, or other support provided by
5 Pakistan to the United States until the Sec-
6 retary submits to the appropriate congressional
7 committees the report required by such para-
8 graph.

9 (B) PROVISIONS OF LAW.—The provisions
10 of law referred to in subparagraph (A) are the
11 following:

12 (i) Section 1233.

13 (ii) Any other provision of law under
14 which payments are authorized to reim-
15 burse key cooperating nations for
16 logistical, military, or other support pro-
17 vided by that nation to or in connection
18 with United States military operations.

19 (5) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES DEFINED.—In this subsection, the term “ap-
21 propriate congressional committees” means—

22 (A) the Committee on Armed Services, the
23 Committee on Appropriations, and the Com-
24 mittee on Foreign Affairs of the House of Rep-
25 resentatives; and

1 (B) the Committee on Armed Services, the
2 Committee on Appropriations, and the Com-
3 mittee on Foreign Relations of the Senate.

4 (b) NOTIFICATION RELATING TO DEPARTMENT OF
5 DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—

6 (1) NOTIFICATION.—

7 (A) IN GENERAL.—Not less than 15 days
8 before making any reimbursement to the Gov-
9 ernment of Pakistan under the authority of any
10 provision of law described in subparagraph (B)
11 for logistical, military, or other support pro-
12 vided by Pakistan to the United States, the
13 Secretary of Defense shall submit to the con-
14 gressional defense committees a written notifi-
15 cation that contains a detailed description of
16 such logistical, military, or other support.

17 (B) PROVISIONS OF LAW.—The provisions
18 of law referred to in subparagraph (A) are the
19 following:

20 (i) Section 1233.

21 (ii) Any other provision of law under
22 which payments are authorized to reim-
23 burse key cooperating nations for
24 logistical, military, or other support pro-

1 vided by that nation to or in connection
2 with United States military operations.

3 (2) MATTERS TO BE INCLUDED.—Each notifi-
4 cation required under paragraph (1) shall include an
5 itemized description of the following support pro-
6 vided by Pakistan to the United States for which the
7 United States will provide reimbursement:

8 (A) Logistic support, supplies, and serv-
9 ices, as such term is defined in section 2350(1)
10 of title 10, United States Code.

11 (B) Military support.

12 (C) Any other support or services.

13 (3) FORM.—Each notification required under
14 paragraph (1) shall be submitted in unclassified
15 form, but may include a classified annex.

16 (4) RELATIONSHIP TO OTHER NOTIFICATION
17 REQUIREMENTS.—Each notification required under
18 paragraph (1) shall be in addition to any notification
19 requirements under any provision of law described in
20 subparagraph (B) of such paragraph.

21 (5) EFFECTIVE DATE.—The requirement to
22 submit notifications under paragraph (1) shall apply
23 with respect to reimbursements to the Government
24 of Pakistan for logistical, military, or other support
25 provided by Pakistan to the United States during

1 the period beginning on February 1, 2008, and end-
2 ing on September 30, 2009.

3 **SEC. 1233. REIMBURSEMENT OF CERTAIN COALITION NA-**
4 **TIONS FOR SUPPORT PROVIDED TO UNITED**
5 **STATES MILITARY OPERATIONS.**

6 (a) **AUTHORITY.**—From funds made available for the
7 Department of Defense by section 1508 for operation and
8 maintenance, Defense-wide activities, the Secretary of De-
9 fense may reimburse any key cooperating nation for
10 logistical and military support provided by that nation to
11 or in connection with United States military operations
12 in Operation Iraqi Freedom or Operation Enduring Free-
13 dom.

14 (b) **AMOUNTS OF REIMBURSEMENT.**—

15 (1) **IN GENERAL.**—Reimbursement authorized
16 by subsection (a) may be made in such amounts as
17 the Secretary of Defense, with the concurrence of
18 the Secretary of State and in consultation with the
19 Director of the Office of Management and Budget,
20 may determine, based on documentation determined
21 by the Secretary of Defense to adequately account
22 for the support provided.

23 (2) **STANDARDS.**—Not later than 30 days after
24 the date of the enactment of this Act, the Secretary
25 of Defense shall prescribe standards for determining

1 the kinds of logistical and military support to the
2 United States that shall be considered reimbursable
3 under the authority in subsection (a). Such stand-
4 ards may not take effect until 15 days after the date
5 on which the Secretary submits to the congressional
6 defense committees a report setting forth such
7 standards.

8 (c) LIMITATIONS.—

9 (1) LIMITATION ON AMOUNT.—The total
10 amount of reimbursements made under the authority
11 in subsection (a) during fiscal year 2008 may not
12 exceed \$1,200,000,000.

13 (2) PROHIBITION ON CONTRACTUAL OBLIGA-
14 TIONS TO MAKE PAYMENTS.—The Secretary of De-
15 fense may not enter into any contractual obligation
16 to make a reimbursement under the authority in
17 subsection (a).

18 (d) NOTICE TO CONGRESS.—The Secretary of De-
19 fense shall—

20 (1) notify the congressional defense committees
21 not less than 15 days before making any reimburse-
22 ment under the authority in subsection (a); and

23 (2) submit to the congressional defense commit-
24 tees on a quarterly basis a report on any reimburse-

1 ments made under the authority in subsection (a)
2 during such quarter.

3 **SEC. 1234. LOGISTICAL SUPPORT FOR COALITION FORCES**
4 **SUPPORTING OPERATIONS IN IRAQ AND AF-**
5 **GHANISTAN.**

6 (a) AVAILABILITY OF FUNDS FOR LOGISTICAL SUP-
7 PORT.—Subject to the provisions of this section, amounts
8 available to the Department of Defense for fiscal year
9 2008 for operation and maintenance may be used to pro-
10 vide supplies, services, transportation (including airlift
11 and sealift), and other logistical support to coalition forces
12 supporting United States military and stabilization oper-
13 ations in Iraq and Afghanistan.

14 (b) REQUIRED DETERMINATION.—The Secretary
15 may provide logistical support under the authority in sub-
16 section (a) only if the Secretary determines that the coali-
17 tion forces to be provided the logistical support—

18 (1) are essential to the success of a United
19 States military or stabilization operation; and

20 (2) would not be able to participate in such op-
21 eration without the provision of the logistical sup-
22 port.

23 (c) COORDINATION WITH EXPORT CONTROL
24 LAWS.—Logistical support may be provided under the au-
25 thority in subsection (a) only in accordance with applicable

1 provisions of the Arms Export Control Act and other ex-
2 port control laws of the United States.

3 (d) **LIMITATION ON VALUE.**—The total amount of
4 logistical support provided under the authority in sub-
5 section (a) in fiscal year 2008 may not exceed
6 \$400,000,000.

7 (e) **QUARTERLY REPORTS.**—

8 (1) **REPORTS REQUIRED.**—Not later than 15
9 days after the end of each fiscal-year quarter of fis-
10 cal year 2008, the Secretary shall submit to the con-
11 gressional defense committees a report on the provi-
12 sion of logistical support under the authority in sub-
13 section (a) during such fiscal-year quarter.

14 (2) **ELEMENTS.**—Each report under paragraph
15 (1) shall include, for the fiscal-year quarter covered
16 by such report, the following:

17 (A) Each nation provided logistical support
18 under the authority in subsection (a).

19 (B) For each such nation, a description of
20 the type and value of logistical support so pro-
21 vided.

22 **Subtitle C—Iraq Refugee Crisis**

23 **SEC. 1241. SHORT TITLE.**

24 This subtitle may be cited as the “Refugee Crisis in
25 Iraq Act of 2007”.

1 **SEC. 1242. PROCESSING MECHANISMS.**

2 (a) IN GENERAL.—The Secretary of State, in con-
3 sultation with the Secretary of Homeland Security, shall
4 establish or use existing refugee processing mechanisms
5 in Iraq and in countries, where appropriate, in the region
6 in which—

7 (1) aliens described in section 1243 may apply
8 and interview for admission to the United States as
9 refugees; and

10 (2) aliens described in section 1244(b) may
11 apply and interview for admission to United States
12 as special immigrants.

13 (b) SUSPENSION.—If such is determined necessary,
14 the Secretary of State, in consultation with the Secretary
15 of Homeland Security, may suspend in-country processing
16 under subsection (a) for a period not to exceed 90 days.
17 Such suspension may be extended by the Secretary of
18 State upon notification to the Committee on the Judiciary
19 of the House of Representatives, the Committee on For-
20 eign Affairs of the House of Representatives, the Com-
21 mittee on the Judiciary of the Senate, and the Committee
22 on Foreign Relations of the Senate. The Secretary of
23 State shall submit to such committees a report outlining
24 the basis of any such suspension and any extensions there-
25 of.

1 (c) REPORT.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary of State, in
3 consultation with the Secretary of Homeland Security,
4 shall submit to the committees specified in subsection (b)
5 a report that—

6 (1) describes the Secretary of State’s plans to
7 establish the processing mechanisms required under
8 subsection (a);

9 (2) contains an assessment of in-country proc-
10 essing that makes use of videoconferencing; and

11 (3) describe the Secretary of State’s diplomatic
12 efforts to improve issuance of exit permits to Iraqis
13 who have been provided special immigrant status
14 under section 1244 and Iraqi refugees under section
15 1243.

16 **SEC. 1243. UNITED STATES REFUGEE PROGRAM PROC-**
17 **ESSING PRIORITIES.**

18 (a) IN GENERAL.—Refugees of special humanitarian
19 concern eligible for Priority 2 processing under the refugee
20 resettlement priority system who may apply directly to the
21 United States Admission Program shall include—

22 (1) Iraqis who were or are employed by the
23 United States Government, in Iraq;

1 (2) Iraqis who establish to the satisfaction of
2 the Secretary of State that they are or were em-
3 ployed in Iraq by—

4 (A) a media or nongovernmental organiza-
5 tion headquartered in the United States; or

6 (B) an organization or entity closely asso-
7 ciated with the United States mission in Iraq
8 that has received United States Government
9 funding through an official and documented
10 contract, award, grant, or cooperative agree-
11 ment; and

12 (3) spouses, children, and parents whether or
13 not accompanying or following to join, and sons,
14 daughters, and siblings of aliens described in para-
15 graph (1), paragraph (2), or section 1244(b)(1); and

16 (4) Iraqis who are members of a religious or
17 minority community, have been identified by the
18 Secretary of State, or the designee of the Secretary,
19 as a persecuted group, and have close family mem-
20 bers (as described in section 201(b)(2)(A)(i) or
21 203(a) of the Immigration and Nationality Act (8
22 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United
23 States.

24 (b) IDENTIFICATION OF OTHER PERSECUTED
25 GROUPS.—The Secretary of State, or the designee of the

1 Secretary, is authorized to identify other Priority 2 groups
2 of Iraqis, including vulnerable populations.

3 (c) INELIGIBLE ORGANIZATIONS AND ENTITIES.—
4 Organizations and entities described in subsection (a)(2)
5 shall not include any that appear on the Department of
6 the Treasury's list of Specially Designated Nationals or
7 any entity specifically excluded by the Secretary of Home-
8 land Security, after consultation with the Secretary of
9 State and the heads of relevant elements of the intelligence
10 community (as defined in section 3(4) of the National Se-
11 curity Act of 1947 (50 U.S.C. 401a(4)).

12 (d) APPLICABILITY OF OTHER REQUIREMENTS.—
13 Aliens under this section who qualify for Priority 2 proc-
14 essing under the refugee resettlement priority system shall
15 satisfy the requirements of section 207 of the Immigration
16 and Nationality Act (8 U.S.C. 1157) for admission to the
17 United States.

18 (e) NUMERICAL LIMITATIONS.—In determining the
19 number of Iraqi refugees who should be resettled in the
20 United States under paragraphs (2), (3), and (4) of sub-
21 section (a) and subsection (b) of section 207 of the Immi-
22 gration and Nationality Act (8 U.S.C. 1157), the Presi-
23 dent shall consult with the heads of nongovernmental or-
24 ganizations that have a presence in Iraq or experience in
25 assessing the problems faced by Iraqi refugees.

1 (f) ELIGIBILITY FOR ADMISSION AS REFUGEE.—No
2 alien shall be denied the opportunity to apply for admis-
3 sion under this section solely because such alien qualifies
4 as an immediate relative or is eligible for any other immi-
5 grant classification.

6 **SEC. 1244. SPECIAL IMMIGRANT STATUS FOR CERTAIN**
7 **IRAQIS.**

8 (a) IN GENERAL.—Subject to subsection (c), the Sec-
9 retary of Homeland Security, or, notwithstanding any
10 other provision of law, the Secretary of State in consulta-
11 tion with the Secretary of Homeland Security, may pro-
12 vide an alien described in subsection (b) with the status
13 of a special immigrant under section 101(a)(27) of the Im-
14 migration and Nationality Act (8 U.S.C. 1101(a)(27)), if
15 the alien—

16 (1) or an agent acting on behalf of the alien,
17 submits a petition for classification under section
18 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

19 (2) is otherwise eligible to receive an immigrant
20 visa;

21 (3) is otherwise admissible to the United States
22 for permanent residence (excluding the grounds for
23 inadmissibility specified in section 212(a)(4) of such
24 Act (8 U.S.C. 1182(a)(4)); and

1 (4) cleared a background check and appropriate
2 screening, as determined by the Secretary of Home-
3 land Security.

4 (b) ALIENS DESCRIBED.—

5 (1) PRINCIPAL ALIENS.—An alien is described
6 in this subsection if the alien—

7 (A) is a citizen or national of Iraq;

8 (B) was or is employed by or on behalf of
9 the United States Government in Iraq, on or
10 after March 20, 2003, for not less than one
11 year;

12 (C) provided faithful and valuable service
13 to the United States Government, which is doc-
14 umented in a positive recommendation or eval-
15 uation, subject to paragraph (4), from the em-
16 ployee's senior supervisor or the person cur-
17 rently occupying that position, or a more senior
18 person, if the employee's senior supervisor has
19 left the employer or has left Iraq; and

20 (D) has experienced or is experiencing an
21 ongoing serious threat as a consequence of the
22 alien's employment by the United States Gov-
23 ernment.

24 (2) SPOUSES AND CHILDREN.—An alien is de-
25 scribed in this subsection if the alien—

1 (A) is the spouse or child of a principal
2 alien described in paragraph (1); and

3 (B) is accompanying or following to join
4 the principal alien in the United States.

5 (3) TREATMENT OF SURVIVING SPOUSE OR
6 CHILD.—An alien is described in subsection (b) if
7 the alien—

8 (A) was the spouse or child of a principal
9 alien described in paragraph (1) who had a pe-
10 tition for classification approved pursuant to
11 this section or section 1059 of the National De-
12 fense Authorization Act for Fiscal Year 2006
13 (Public Law 109–163; 8 U.S.C. 1101 note),
14 which included the alien as an accompanying
15 spouse or child; and

16 (B) due to the death of the principal
17 alien—

18 (i) such petition was revoked or termi-
19 nated (or otherwise rendered null); and

20 (ii) such petition would have been ap-
21 proved if the principal alien had survived.

22 (4) APPROVAL BY CHIEF OF MISSION RE-
23 QUIRED.—A recommendation or evaluation required
24 under paragraph (1)(C) shall be accompanied by ap-
25 proval from the Chief of Mission, or the designee of

1 the Chief of Mission, who shall conduct a risk as-
2 sessment of the alien and an independent review of
3 records maintained by the United States Govern-
4 ment or hiring organization or entity to confirm em-
5 ployment and faithful and valuable service to the
6 United States Government prior to approval of a pe-
7 tition under this section

8 (c) NUMERICAL LIMITATIONS.—

9 (1) IN GENERAL.—The total number of prin-
10 cipal aliens who may be provided special immigrant
11 status under this section may not exceed 5,000 per
12 year for each of the five fiscal years beginning after
13 the date of the enactment of this Act.

14 (2) EXCLUSION FROM NUMERICAL LIMITA-
15 TIONS.—Aliens provided special immigrant status
16 under this section shall not be counted against any
17 numerical limitation under sections 201(d), 202(a),
18 or 203(b)(4) of the Immigration and Nationality Act
19 (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

20 (3) CARRY FORWARD.—

21 (A) FISCAL YEARS ONE THROUGH FOUR.—

22 If the numerical limitation specified in para-
23 graph (1) is not reached during a given fiscal
24 year referred to in such paragraph (with re-
25 spect to fiscal years one through four), the nu-

1 numerical limitation specified in such paragraph
2 for the following fiscal year shall be increased
3 by a number equal to the difference between—

4 (i) the numerical limitation specified
5 in paragraph (1) for the given fiscal year;
6 and

7 (ii) the number of principal aliens pro-
8 vided special immigrant status under this
9 section during the given fiscal year.

10 (B) FISCAL YEARS FIVE AND SIX.—If the
11 numerical limitation specified in paragraph (1)
12 is not reached in the fifth fiscal year beginning
13 after the date of the enactment of this Act, the
14 total number of principal aliens who may be
15 provided special immigrant status under this
16 section for the sixth fiscal year beginning after
17 such date shall be equal to the difference be-
18 tween—

19 (i) the numerical limitation specified
20 in paragraph (1) for the fifth fiscal year;
21 and

22 (ii) the number of principal aliens pro-
23 vided such status under this section during
24 the fifth fiscal year.

1 (d) VISA AND PASSPORT ISSUANCE AND FEES.—Nei-
2 ther the Secretary of State nor the Secretary of Homeland
3 Security may charge an alien described in subsection (b)
4 any fee in connection with an application for, or issuance
5 of, a special immigrant visa. The Secretary of State shall
6 make a reasonable effort to ensure that aliens described
7 in this section who are issued special immigrant visas are
8 provided with the appropriate series Iraqi passport nec-
9 essary to enter the United States.

10 (e) PROTECTION OF ALIENS.—The Secretary of
11 State, in consultation with the heads of other relevant
12 Federal agencies, shall make a reasonable effort to provide
13 an alien described in this section who is applying for a
14 special immigrant visa with protection or the immediate
15 removal from Iraq, if possible, of such alien if the Sec-
16 retary determines after consultation that such alien is in
17 imminent danger.

18 (f) ELIGIBILITY FOR ADMISSION UNDER OTHER
19 CLASSIFICATION.—No alien shall be denied the oppor-
20 tunity to apply for admission under this section solely be-
21 cause such alien qualifies as an immediate relative or is
22 eligible for any other immigrant classification.

23 (g) RESETTLEMENT SUPPORT.—Iraqi aliens granted
24 special immigrant status described in section 101(a)(27)
25 of the Immigration and Nationality Act (8 U.S.C.

1 1101(a)(27)) shall be eligible for resettlement assistance,
2 entitlement programs, and other benefits available to refu-
3 gees admitted under section 207 of such Act (8 U.S.C.
4 1157) for a period not to exceed eight months.

5 (h) **RULE OF CONSTRUCTION.**—Nothing in this sec-
6 tion may be construed to affect the authority of the Sec-
7 retary of Homeland Security under section 1059 of the
8 National Defense Authorization Act for Fiscal Year 2006.

9 **SEC. 1245. SENIOR COORDINATOR FOR IRAQI REFUGEES**
10 **AND INTERNALLY DISPLACED PERSONS.**

11 (a) **DESIGNATION IN IRAQ.**—The Secretary of State
12 shall designate in the embassy of the United States in
13 Baghdad, Iraq, a Senior Coordinator for Iraqi Refugees
14 and Internally Displaced Persons (referred to in this sec-
15 tion as the “Senior Coordinator”).

16 (b) **RESPONSIBILITIES.**—The Senior Coordinator
17 shall be responsible for the oversight of processing for the
18 resettlement in the United States of refugees of special
19 humanitarian concern, special immigrant visa programs in
20 Iraq, and the development and implementation of other
21 appropriate policies and programs concerning Iraqi refu-
22 gees and internally displaced persons. The Senior Coordi-
23 nator shall have the authority to refer persons to the
24 United States refugee resettlement program.

1 (c) DESIGNATION OF ADDITIONAL SENIOR COORDI-
2 NATORS.—The Secretary of State shall designate in the
3 embassies of the United States in Cairo, Egypt, Amman,
4 Jordan, Damascus, Syria, and Beirut, Lebanon, a Senior
5 Coordinator to oversee resettlement in the United States
6 of refugees of special humanitarian concern in those coun-
7 tries to ensure their applications to the United States ref-
8 ugee resettlement program are processed in an orderly
9 manner and without delay.

10 **SEC. 1246. COUNTRIES WITH SIGNIFICANT POPULATIONS**
11 **OF IRAQI REFUGEES.**

12 With respect to each country with a significant popu-
13 lation of Iraqi refugees, including Iraq, Jordan, Egypt,
14 Syria, Turkey, and Lebanon, the Secretary of State
15 shall—

16 (1) as appropriate, consult with the appropriate
17 government officials of such countries and other
18 countries and the United Nations High Commis-
19 sioner for Refugees regarding resettlement of the
20 most vulnerable members of such refugee popu-
21 lations; and

22 (2) as appropriate, except where otherwise pro-
23 hibited by the laws of the United States, develop
24 mechanisms in and provide assistance to countries
25 with a significant population of Iraqi refugees to en-

1 sure the well-being and safety of such populations in
2 their host environments.

3 **SEC. 1247. MOTION TO REOPEN DENIAL OR TERMINATION**
4 **OF ASYLUM.**

5 An alien who applied for asylum or withholding of
6 removal and whose claim was denied on or after March
7 1, 2003, by an asylum officer or an immigration judge
8 solely, or in part, on the basis of changed country condi-
9 tions may, notwithstanding any other provision of law, file
10 a motion to reopen such claim in accordance with subpara-
11 graphs (A) and (B) of section 240(c)(7) of the Immigra-
12 tion and Nationality Act (8 U.S.C. 1229a(c)(7)) not later
13 than six months after the date of the enactment of the
14 Refugee Crisis in Iraq Act if the alien—

15 (1) is a citizen or national of Iraq; and

16 (2) has remained in the United States since the
17 date of such denial.

18 **SEC. 1248. REPORTS.**

19 (a) SECRETARY OF HOMELAND SECURITY.—Not
20 later than 120 days after the date of the enactment of
21 this Act, the Secretary of Homeland Security shall submit
22 to the Committee on the Judiciary of the House of Rep-
23 resentatives, the Committee on Foreign Affairs of the
24 House of Representatives, the Committee on the Judiciary
25 of the Senate, and the Committee on Foreign Relations

1 of the Senate a report containing plans to expedite the
2 processing of Iraqi refugees for resettlement, including in-
3 formation relating to—

4 (1) expediting the processing of Iraqi refugees
5 for resettlement, including through temporary ex-
6 pansion of the Refugee Corps of United States Citi-
7 zenship and Immigration Services;

8 (2) increasing the number of personnel of the
9 Department of Homeland Security devoted to ref-
10 ugee processing in Iraq, Jordan, Egypt, Syria, Tur-
11 key, and Lebanon;

12 (3) enhancing existing systems for conducting
13 background and security checks of persons applying
14 for special immigrant status and of persons consid-
15 ered Priority 2 refugees of special humanitarian con-
16 cern under the refugee resettlement priority system,
17 which enhancements shall support immigration secu-
18 rity and provide for the orderly processing of such
19 applications without delay; and

20 (4) the projections of the Secretary, per country
21 and per month, for the number of refugee interviews
22 that will be conducted in fiscal year 2008 and fiscal
23 year 2009.

24 (b) PRESIDENT.—Not later than 120 days after the
25 date of the enactment of this Act, and annually thereafter

1 through 2013, the President shall submit to Congress an
2 unclassified report, with a classified annex if necessary,
3 which includes—

4 (1) an assessment of the financial, security, and
5 personnel considerations and resources necessary to
6 carry out the provisions of this subtitle;

7 (2) the number of aliens described in section
8 1243(a)(1);

9 (3) the number of such aliens who have applied
10 for special immigrant visas;

11 (4) the date of such applications; and

12 (5) in the case of applications pending for
13 longer than six months, the reasons that such visas
14 have not been expeditiously processed.

15 (c) REPORT ON IRAQI CITIZENS AND NATIONALS EM-
16 PLOYED BY THE UNITED STATES GOVERNMENT OR FED-
17 ERAL CONTRACTORS IN IRAQ.—

18 (1) IN GENERAL.—Not later than 120 days
19 after the date of the enactment of this Act, the Sec-
20 retary of Defense, the Secretary of State, the Ad-
21 ministrator of the United States Agency for Inter-
22 national Development, the Secretary of the Treas-
23 ury, and the Secretary of Homeland Security shall—

24 (A) review internal records and databases
25 of their respective agencies for information that

1 can be used to verify employment of Iraqi na-
2 tionals by the United States Government; and

3 (B) request from each prime contractor or
4 grantee that has performed work in Iraq since
5 March 20, 2003, under a contract, grant, or co-
6 operative agreement with their respective agen-
7 cies that is valued in excess of \$25,000 infor-
8 mation that can be used to verify the employ-
9 ment of Iraqi nationals by such contractor or
10 grantee.

11 (2) INFORMATION REQUIRED.—To the extent
12 data is available, the information referred to in
13 paragraph (1) shall include the name and dates of
14 employment of, biometric data for, and other data
15 that can be used to verify the employment of each
16 Iraqi citizen or national who has performed work in
17 Iraq since March 20, 2003, under a contract, grant,
18 or cooperative agreement with an executive agency.

19 (3) EXECUTIVE AGENCY DEFINED.—In this
20 subsection, the term “executive agency” has the
21 meaning given the term in section 4(1) of the Office
22 of Federal Procurement Policy Act (41 U.S.C.
23 403(1)).

24 (d) REPORT ON ESTABLISHMENT OF DATABASE.—
25 Not later than 120 days after the date of the enactment

1 of this Act, the Secretary of Defense, in consultation with
2 the Secretary of State, the Administrator of the United
3 States Agency for International Development, the Sec-
4 retary of the Treasury, and the Secretary of Homeland
5 Security, shall submit to Congress a report examining the
6 options for establishing a unified, classified database of
7 information related to contracts, grants, or cooperative
8 agreements entered into by executive agencies for the per-
9 formance of work in Iraq since March 20, 2003, including
10 the information described and collected under subsection
11 (c), to be used by relevant Federal departments and agen-
12 cies to adjudicate refugee, asylum, special immigrant visa,
13 and other immigration claims and applications.

14 (e) **NONCOMPLIANCE REPORT.**—Not later than 180
15 days after the date of the enactment of this Act, the Presi-
16 dent shall submit a report to Congress that describes—

17 (1) the inability or unwillingness of any con-
18 tractor or grantee to provide the information re-
19 quested under subsection (c)(1)(B); and

20 (2) the reasons for failing to provide such infor-
21 mation.

22 **SEC. 1249. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums
24 as may be necessary to carry out this subtitle.

1 **Subtitle D—Other Authorities and**
2 **Limitations**

3 **SEC. 1251. COOPERATIVE OPPORTUNITIES DOCUMENTS**
4 **UNDER COOPERATIVE RESEARCH AND DE-**
5 **VELOPMENT AGREEMENTS WITH NATO OR-**
6 **GANIZATIONS AND OTHER ALLIED AND**
7 **FRIENDLY FOREIGN COUNTRIES.**

8 Section 2350a(e) of title 10, United States Code, is
9 amended—

10 (1) in paragraph (1)—

11 (A) by striking “(A)”;

12 (B) by striking “an arms cooperation op-
13 portunities document” and inserting “a cooper-
14 ative opportunities document before the first
15 milestone or decision point”; and

16 (C) by striking subparagraph (B); and

17 (2) in paragraph (2), by striking “An arms co-
18 operation opportunities document” and inserting “A
19 cooperative opportunities document”.

1 **SEC. 1252. EXTENSION AND EXPANSION OF TEMPORARY**
2 **AUTHORITY TO USE ACQUISITION AND**
3 **CROSS-SERVICING AGREEMENTS TO LEND**
4 **MILITARY EQUIPMENT FOR PERSONNEL PRO-**
5 **TECTION AND SURVIVABILITY.**

6 (a) EXPANSION TO NATIONS ENGAGED IN CERTAIN
7 PEACEKEEPING OPERATIONS.—Subsection (a) of section
8 1202 of the John Warner National Defense Authorization
9 Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
10 2412) is amended—

11 (1) in paragraph (1), by inserting “or partici-
12 pating in combined operations with the United
13 States as part of a peacekeeping operation under the
14 Charter of the United Nations or another inter-
15 national agreement” after “Iraq or Afghanistan”;
16 and

17 (2) in paragraph (3) by inserting “, or in a
18 peacekeeping operation described in paragraph (1),
19 as applicable,” after “Iraq or Afghanistan”.

20 (b) ONE-YEAR EXTENSION.—Subsection (e) of such
21 section is amended by striking “September 30, 2008” and
22 inserting “September 30, 2009”.

23 (c) CONFORMING AMENDMENT.—The heading of
24 such section is amended by striking “**FOREIGN FORCES**
25 **IN IRAQ AND AFGHANISTAN**” and inserting “**CERTAIN**
26 **FOREIGN FORCES**”.

1 **SEC. 1253. ACCEPTANCE OF FUNDS FROM THE GOVERN-**
2 **MENT OF PALAU FOR COSTS OF UNITED**
3 **STATES MILITARY CIVIC ACTION TEAM IN**
4 **PALAU.**

5 Section 104(a) of Public Law 99–658 (48 U.S.C.
6 1933(a)) is amended—

7 (1) by striking “In recognition” and inserting
8 “(1) In recognition”; and

9 (2) by adding at the end the following:

10 “(2) For expenditures that the Department of De-
11 fense makes pursuant to paragraph (1), the Secretary of
12 Defense may accept up to the amount of \$250,000 in an-
13 nual funds from the Government of Palau as specified in
14 paragraph (1). Funds accepted by the Secretary from the
15 Government of Palau under this paragraph shall be cred-
16 ited to and merged with appropriations available to the
17 Department of Defense and shall be used to defray ex-
18 penditures attendant to the operation of the United States
19 military Civic Action Team in Palau. Funds so credited
20 and merged shall be available for the same time period
21 as the appropriations to which the funds are credited and
22 merged.”.

23 **SEC. 1254. REPEAL OF REQUIREMENT RELATING TO NORTH**
24 **KOREA.**

25 Section 1211 of the John Warner National Defense
26 Authorization Act for Fiscal Year 2007 (Public Law 109–

1 364; 120 Stat. 2420) is amended by striking subsection
2 (a).

3 **SEC. 1255. JUSTICE FOR OSAMA BIN LADEN AND OTHER**
4 **LEADERS OF AL QAEDA.**

5 (a) ENHANCED REWARD FOR CAPTURE OF OSAMA
6 BIN LADEN.—Section 36(e)(1) of the State Department
7 Basic Authorities Act of 1956 (22 U.S.C. 2708e)(1)) is
8 amended by adding at the end the following new sentence:
9 “The Secretary shall authorize a reward of \$50,000,000
10 for the capture or death or information leading to the cap-
11 ture or death of Osama bin Laden.”.

12 (b) STATUS OF EFFORTS TO BRING OSAMA BIN
13 LADEN AND OTHER LEADERS OF AL QAEDA TO JUS-
14 TICE.—

15 (1) REPORT REQUIRED.—Not later than 90
16 days after the date of the enactment of this Act, the
17 Secretary of State and the Secretary of Defense
18 shall, in coordination with the Director of National
19 Intelligence, jointly submit to Congress a report on
20 the progress made in bringing Osama bin Laden and
21 other leaders of al Qaeda to justice.

22 (2) ELEMENTS.—The report required under
23 paragraph (1) shall include the following:

24 (A) An assessment of the likely current lo-
25 cation of terrorist leaders, including Osama bin

1 Laden, Ayman al-Zawahiri, and other key lead-
2 ers of al Qaeda.

3 (B) A description of ongoing efforts to
4 bring to justice such terrorist leaders, particu-
5 larly those who have been directly implicated in
6 attacks in the United States and its embassies.

7 (C) An assessment of whether the govern-
8 ment of each country assessed as a likely loca-
9 tion of top leaders of al Qaeda has fully cooper-
10 ated in efforts to bring those leaders to justice.

11 (D) A description of diplomatic efforts cur-
12 rently being made to improve the cooperation of
13 the governments described in subparagraph (C).

14 (E) A description of the current status of
15 the top leadership of al Qaeda and the strategy
16 for locating them and bringing them to justice.

17 (F) An assessment of whether al Qaeda re-
18 mains the terrorist organization that poses the
19 greatest threat to United States interests, in-
20 cluding the greatest threat to the territorial
21 United States.

22 (3) UPDATE OF REPORT.—Not later than one
23 year after the submission of the report required
24 under paragraph (1), the Secretary of State and the
25 Secretary of Defense shall, in coordination with the

1 Director of National Intelligence, jointly submit to
2 Congress an update of the report required under
3 paragraph (1).

4 (4) FORM.—The report required under para-
5 graph (1) and the update of the report required
6 under paragraph (3) shall be submitted in unclassi-
7 fied form, but may contain a classified annex, if nec-
8 essary.

9 **SEC. 1256. EXTENSION OF COUNTERPROLIFERATION PRO-**
10 **GRAM REVIEW COMMITTEE.**

11 (a) MEMBERS.—Section 1605 of the National De-
12 fense Authorization Act for Fiscal Year 1994 (22 U.S.C.
13 2751 note) is amended in subsection (a)(1)—

14 (1) in subparagraph (C) by striking “Director
15 of Central Intelligence” and inserting “Director of
16 National Intelligence”; and

17 (2) by adding at the end the following:

18 “(E) The Secretary of State.

19 “(F) The Secretary of Homeland Secu-
20 rity.”.

21 (b) ACCESS TO INFORMATION.—Subsection (d) of
22 such section is amended by inserting after “Department
23 of Energy,” the following: “the Department of State, the
24 Department of Homeland Security,”.

1 (c) TERMINATION.—Subsection (f) of such section is
2 amended by striking “2008” and inserting “2013”.

3 (d) SUBMISSION OF REPORT.—Section 1503 of the
4 National Defense Authorization Act for Fiscal Year 1995
5 (22 U.S.C. 2751 note) is amended—

6 (1) in subsection (a)—

7 (A) by striking “ANNUAL” and inserting
8 “BIENNIAL”; and

9 (B) by striking “each year” and inserting
10 “each odd-numbered year”; and

11 (2) in subsection (b)(5)—

12 (A) by striking “fiscal year preceding” and
13 inserting “two fiscal years preceding”; and

14 (B) by striking “preceding fiscal year” and
15 inserting “preceding fiscal years”.

16 **SEC. 1257. SENSE OF CONGRESS ON THE WESTERN HEMI-**
17 **SPHERE INSTITUTE FOR SECURITY CO-**
18 **OPERATION.**

19 It is the sense of Congress that—

20 (1) the education and training facility of the
21 Department of Defense known as the Western
22 Hemisphere Institute for Security Cooperation has
23 the mission of providing professional education and
24 training to eligible military personnel, law enforce-
25 ment officials, and civilians of nations of the West-

1 ern Hemisphere that support the democratic prin-
2 ciples set forth in the Inter-American Democratic
3 Charter of the Organization of American States,
4 while fostering mutual knowledge, transparency,
5 confidence, and cooperation among the participating
6 nations and promoting democratic values and re-
7 spect for human rights; and

8 (2) therefore, the Institute is an invaluable edu-
9 cation and training facility which the Department of
10 Defense should continue to utilize in order to help
11 foster a spirit of partnership and interoperability
12 among the United States military and the militaries
13 of participating nations.

14 **SEC. 1258. SENSE OF CONGRESS ON IRAN.**

15 It is the sense of Congress that—

16 (1) the manner in which the United States
17 transitions and structures its military presence in
18 Iraq will have critical long-term consequences for the
19 future of the Persian Gulf and the Middle East, in
20 particular with regard to the ability of the Govern-
21 ment of Iran to pose a threat to the security of the
22 region, the prospects for democracy for the people of
23 the region, and the health of the global economy;

24 (2) it is in the national interest of the United
25 States that the Government of Iran should not use

1 extremists in Iraq to subvert or co-opt the institu-
2 tions of the legitimate Government of Iraq;

3 (3) the United States should designate Iran's
4 Islamic Revolutionary Guards Corps as a foreign
5 terrorist organization under section 219 of the Im-
6 migration and Nationality Act (8 U.S.C. 1189) and
7 place the Islamic Revolutionary Guards Corps on the
8 list of Specially Designated Global Terrorists, as es-
9 tablished under the International Emergency Eco-
10 nomic Powers Act (50 U.S.C. 1701 et seq.) and ini-
11 tiated under Executive Order 13224 (September 23,
12 2001); and

13 (4) the United States should act with all pos-
14 sible expediency to complete the listing of those enti-
15 ties targeted under United Nations Security Council
16 Resolutions 1737 and 1747, adopted unanimously on
17 December 23, 2006, and March 24, 2007, respec-
18 tively.

19 **Subtitle E—Reports**

20 **SEC. 1261. ONE-YEAR EXTENSION OF UPDATE ON REPORT** 21 **ON CLAIMS RELATING TO THE BOMBING OF** 22 **THE LABELLE DISCOTHEQUE.**

23 Section 1225 of the National Defense Authorization
24 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
25 3465) is amended—

1 (1) in subsection (b)(2)—

2 (A) in the heading, by striking “UPDATE”
3 and inserting “UPDATES”; and

4 (B) by inserting “and not later than two
5 years after enactment of this Act,” after “Not
6 later than one year after enactment of this
7 Act,”; and

8 (2) in subsection (c), by striking “Committee on
9 International Relations” and inserting “Committee
10 on Foreign Affairs”.

11 **SEC. 1262. REPORT ON UNITED STATES POLICY TOWARD**
12 **DARFUR, SUDAN.**

13 (a) REQUIREMENT FOR REPORT.—

14 (1) IN GENERAL.—Not later than 120 days
15 after the date of the enactment of this Act, the Sec-
16 retary of Defense and the Secretary of State shall
17 jointly submit to the appropriate congressional com-
18 mittees a report on the policy of the United States
19 to address the crisis in the Darfur region of Sudan,
20 eastern Chad, and north-eastern Central African Re-
21 public, and on the contributions of the Department
22 of Defense and the Department of State to the
23 North Atlantic Treaty Organization (NATO), the
24 United Nations, and the African Union in support of

1 the current African Union Mission in Sudan (AMIS)
2 or any covered United Nations mission.

3 (2) UPDATE OF REPORT.—Not later than 180
4 days after the submission of the report required
5 under paragraph (1), the Secretary of Defense and
6 the Secretary of State shall jointly submit to the ap-
7 propriate congressional committees an update of the
8 report.

9 (b) ELEMENTS.—The report required under sub-
10 section (a) shall include the following:

11 (1) An assessment of the extent to which the
12 Government of Sudan is in compliance with its obli-
13 gations under international law and as a member of
14 the United Nations, including under United Nations
15 Security Council Resolutions 1591 (2005), 1706
16 (2006), 1769 (2007), and 1784 (2007) and a de-
17 scription of any violations of such obligations, in-
18 cluding violations relating to the denial of or delay
19 in facilitating access by AMIS and United Nations
20 peacekeeping forces to conflict areas, failure to im-
21 plement responsibilities to demobilize and disarm the
22 Janjaweed militias, obstruction of the voluntary safe
23 return of internally displaced persons and refugees,
24 and degradation of security of and access to humani-
25 tarian supply routes.

1 (2) An assessment of the role played by rebel
2 forces in contributing to violence being carried out
3 against civilians and humanitarian organizations and
4 of the impact of such activities on international ef-
5 forts to create conditions of peace and security on
6 the ground.

7 (3) A comprehensive explanation of the policy
8 of the United States to address the crisis in the
9 Darfur region, including the activities undertaken by
10 the Department of Defense and the Department of
11 State in support of that policy.

12 (4) A comprehensive assessment of the poten-
13 tial impact of a no-fly zone for the Darfur region,
14 including an assessment of the impact of such a no-
15 fly zone on humanitarian efforts in Darfur and the
16 region and a plan to minimize any negative impact
17 on such humanitarian efforts during the implemen-
18 tation of such a no-fly zone.

19 (5) A description of contributions made by the
20 Department of Defense and the Department of State
21 in support of NATO assistance to AMIS and any
22 covered United Nations mission.

23 (6) An assessment of the extent to which addi-
24 tional United States Government resources are nec-

1 essary to meet its obligations to AMIS and any cov-
2 ered United Nations mission.

3 (7) An assessment of the force size and com-
4 position of an international effort estimated to be
5 necessary to provide protection to civilian popu-
6 lations currently displaced in the Darfur region, as
7 well as the force size and composition of an inter-
8 national effort estimated to be necessary to provide
9 broader stability within that region.

10 (8) An examination of the current capacity of
11 the existing airfield in Abeche, Chad, including the
12 scope of its current use by the international commu-
13 nity in response to the crisis in the Darfur region.

14 (9) An analysis of the upgrades, and their asso-
15 ciated costs, necessary to enable the airfield in
16 Abeche, Chad, to be improved to be fully capable of
17 accommodating a humanitarian, peacekeeping, or
18 other force deployment of the size foreseen by
19 United Nations Security Council Resolution 1769
20 calling for a United Nations deployment to Chad
21 and a hybrid force of the United Nations and Afri-
22 can Union operating under Chapter VII of the
23 United Nations Charter for Sudan.

24 (c) FORM AND AVAILABILITY OF REPORTS.—

1 (1) FORM.—The report and update of the re-
2 report required under subsection (a) shall be sub-
3 mitted in an unclassified form, but may include a
4 classified annex.

5 (2) AVAILABILITY.—The unclassified portion of
6 the report and update of the report required under
7 subsection (a) shall be made available to the public.

8 (d) REPEAL OF SUPERSEDED REPORT REQUIRE-
9 MENT.—Section 1227 of the John Warner National De-
10 fense Authorization Act for Fiscal Year 2007 (Public Law
11 109–364; 120 Stat. 2426) is repealed.

12 (e) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Armed Services and
17 the Committee on Foreign Relations of the Sen-
18 ate; and

19 (B) the Committee on Armed Services and
20 the Committee on Foreign Affairs of the House
21 of Representatives.

22 (2) COVERED UNITED NATIONS MISSION.—The
23 term “covered United Nations mission” means any
24 United Nations-African Union hybrid peacekeeping
25 operation in the Darfur region of Sudan, and any

1 United Nations peacekeeping operation in the
2 Darfur region, eastern Chad, or northern Central
3 African Republic, that is deployed on or after the
4 date of the enactment of this Act.

5 **SEC. 1263. INCLUSION OF INFORMATION ON ASYMMETRIC**
6 **CAPABILITIES IN ANNUAL REPORT ON MILI-**
7 **TARY POWER OF THE PEOPLE'S REPUBLIC OF**
8 **CHINA.**

9 Section 1202(b) of the National Defense Authoriza-
10 tion Act for Fiscal Year 2000 (Public Law 106–65; 10
11 U.S.C. 113 note) is amended by adding at the end the
12 following new paragraph:

13 “(9) Developments in China’s asymmetric capa-
14 bilities, including efforts to acquire, develop, and de-
15 ploy cyberwarfare capabilities.”.

16 **SEC. 1264. REPORT ON APPLICATION OF THE UNIFORM**
17 **CODE OF MILITARY JUSTICE TO CIVILIANS**
18 **ACCOMPANYING THE ARMED FORCES DUR-**
19 **ING A TIME OF DECLARED WAR OR CONTIN-**
20 **GENCY OPERATION.**

21 (a) REPORT REQUIRED.—Not later than 60 days
22 after the date of the enactment of this Act, the Secretary
23 of Defense shall submit to the Committees on Armed Serv-
24 ices of the Senate and the House of Representatives a re-
25 port on the status of implementing paragraph (10) of sec-

1 tion 802(a) of title 10, United States Code (article 2(a)
2 of the Uniform Code of Military Justice), as amended by
3 section 552 of the John Warner National Defense Author-
4 ization Act for Fiscal Year 2007 (Public Law 109–364),
5 related to the application of chapter 47 of such title (the
6 Uniform Code of Military Justice) to persons serving with
7 or accompanying an armed force in the field during a time
8 of declared war or contingency operation.

9 (b) CONTENTS OF REPORT.—The report required by
10 subsection (a) shall include each of the following:

11 (1) A discussion of how the Secretary has re-
12 solved issues related to establishing jurisdiction
13 under such chapter over persons referred to in para-
14 graph (10) of section 802(a) of title 10, United
15 States Code (article 2(a) of the Uniform Code of
16 Military Justice), specifically with respect to persons
17 under contract with the Department of Defense or
18 with other Federal agencies.

19 (2) An identification of any outstanding issues
20 that remain to be resolved with respect to imple-
21 menting such paragraph and a timetable for resolv-
22 ing such issues.

23 (3) A description of key implementing steps
24 that have been taken or remain to be taken to assert

1 jurisdiction under chapter 47 of such title over such
2 persons.

3 (4) An explanation of the Secretary's approach
4 to identifying factors that commanders should con-
5 sider in determining whether to seek prosecution of
6 such a person under such chapter or under chapter
7 212 of title 18, United States Code.

8 **SEC. 1265. REPORT ON FAMILY REUNIONS BETWEEN**
9 **UNITED STATES CITIZENS AND THEIR REL-**
10 **ATIVES IN NORTH KOREA.**

11 (a) **REPORT REQUIRED.**—Not later than 180 days
12 after the date of the enactment of this Act, the President
13 shall transmit to Congress a report on family reunions be-
14 tween United States citizens and their relatives in the
15 Democratic People's Republic of Korea.

16 (b) **ELEMENTS.**—The report under subsection (a)
17 shall include the following:

18 (1) A description of the efforts, if any, of the
19 United States Government to facilitate family re-
20 unions between United States citizens and their rel-
21 atives in North Korea, including the following:

22 (A) Discussing with North Korea family
23 reunions between United States citizens and
24 their relatives in North Korea.

1 (B) Planning, in the event of a normaliza-
2 tion of relations between the United States and
3 North Korea, for the appropriate role of the
4 United States embassy in Pyongyang, North
5 Korea, in facilitating family reunions between
6 United States citizens and their relatives in
7 North Korea.

8 (2) A description of additional efforts, if any, of
9 the United States Government to facilitate family re-
10 unions between United States citizens and their rel-
11 atives in North Korea that the President considers
12 to be desirable and feasible.

13 **SEC. 1266. REPORTS ON PREVENTION OF MASS ATROC-**
14 **ITIES.**

15 (a) DEPARTMENT OF STATE REPORT.—

16 (1) REPORT REQUIRED.—Not later than 180
17 days after the date of the enactment of this Act, the
18 Secretary of State shall submit to the congressional
19 defense committees, the Committee on Foreign Rela-
20 tions of the Senate, and the Committee on Foreign
21 Affairs of the House of Representatives a report as-
22 sessing the capability of the Department of State to
23 provide training and guidance to the command of an
24 international intervention force that seeks to prevent
25 mass atrocities.

1 (2) CONTENT.—The report required under
2 paragraph (1) shall include the following:

3 (A) An evaluation of any doctrine currently
4 used by the Secretary of State to prepare for
5 the training and guidance of the command of
6 an international intervention force.

7 (B) An assessment of the role played by
8 the United States in developing the “responsi-
9 bility to protect” doctrine described in para-
10 graphs 138 through 140 of the outcome docu-
11 ment of the High-level Plenary Meeting of the
12 General Assembly adopted by the United Na-
13 tions in September 2005, and an update on ac-
14 tions taken by the United States Mission to the
15 United Nations to discuss, promote, and imple-
16 ment such doctrine.

17 (C) An assessment of the potential capa-
18 bility of the Department of State and other
19 Federal departments and agencies to support
20 the development of new doctrines for the train-
21 ing and guidance of an international interven-
22 tion force in keeping with the “responsibility to
23 protect” doctrine.

24 (D) Recommendations as to the steps nec-
25 essary to allow the Secretary of State to provide

1 more effective training and guidance to an
2 international intervention force.

3 (b) DEPARTMENT OF DEFENSE REPORT.—

4 (1) REPORT REQUIRED.—Not later than 180
5 days after the date of the enactment of this Act, the
6 Secretary of Defense shall submit to the congres-
7 sional defense committees, the Committee on For-
8 eign Relations of the Senate, and the Committee on
9 Foreign Affairs of the House of Representatives a
10 report assessing the capability of the Department of
11 Defense to provide training and guidance to the
12 command of an international intervention force that
13 seeks to prevent mass atrocities.

14 (2) CONTENT.—The report required under
15 paragraph (1) shall include the following:

16 (A) An evaluation of any doctrine currently
17 used by the Secretary of Defense to prepare for
18 the training and guidance of the command of
19 an international intervention force.

20 (B) An assessment of the potential capa-
21 bility of the Department of Defense and other
22 Federal departments and agencies to support
23 the development of new doctrines for the train-
24 ing and guidance of an international interven-

1 with the Director of National Intelligence, shall jointly
2 submit to the specified congressional committees a report
3 on the threats posed to the United States from ungoverned
4 areas, including the threats to the United States from ter-
5 rorist groups and individuals located in such areas who
6 direct their activities against the national security inter-
7 ests of the United States and its allies.

8 (b) ELEMENTS.—The report required under sub-
9 section (a) shall include the following:

10 (1) A description of those areas the United
11 States Government considers ungoverned, includ-
12 ing—

13 (A) a description of the geo-political and
14 cultural influences exerted within such areas
15 and by whom;

16 (B) a description of the economic condi-
17 tions and prospects and the major social dy-
18 namics of such areas; and

19 (C) a description of the United States Gov-
20 ernment's relationships with entities located in
21 such areas, including with relevant national or
22 other governments and relevant tribal or other
23 groups.

24 (2) A description of the capabilities required by
25 the United States Government to support United

1 States policy aimed at managing the threats de-
2 scribed in subsection (a), including, specifically, the
3 technical, linguistic, and analytical capabilities re-
4 quired by the Department of Defense and the De-
5 partment of State.

6 (3) An assessment of the extent to which the
7 Department of Defense and the Department of State
8 possess the capabilities described in paragraph (2)
9 as well as the necessary resources and organization
10 to support United States policy aimed at managing
11 the threats described in subsection (a).

12 (4) A description of the extent to which the im-
13 plementation of Department of Defense Directive
14 3000.05, entitled “Military Support for Stability,
15 Security, Transition, and Reconstruction Oper-
16 ations”, will support United States policy for man-
17 aging such threats.

18 (5) A description of the actions, if any, to be
19 taken to improve the capabilities of the Department
20 of Defense and the Department of State described in
21 paragraph (2), and the schedule for implementing
22 any actions so described.

23 (c) FORM.—The report required under subsection (a)
24 shall be submitted in unclassified form, to the maximum

1 extent practicable, but may contain a classified annex, if
2 necessary.

3 (d) DEFINITION.—In this section, the term “specified
4 congressional committees” means—

5 (1) the Committee on Armed Services, the
6 Committee on Foreign Relations, and the Committee
7 on Appropriations of the Senate; and

8 (2) the Committee on Armed Services, the
9 Committee on Foreign Affairs, and the Committee
10 on Appropriations of the House of Representatives.